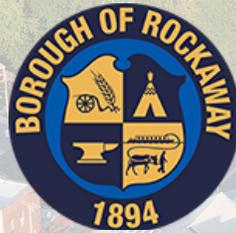


# Borough of Rockaway Downtown Redevelopment Plan

Prepared For:



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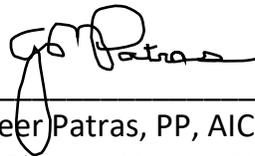
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*The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.*

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## I. INTRODUCTION

The following pages provide a comprehensive vision for the reinvestment in properties within the walkable environment of Downtown Rockaway Borough (the “Redevelopment Plan” or the “Plan”). This Plan applies to the properties as depicted on the Borough of Rockaway’s Tax Map and listed in **Appendix A** (the “Redevelopment Area”).

The goal of this Plan is to provide a planning and policy framework for the redevelopment, effectuate the Borough of Rockaway’s (the “Borough”) planning goals, and determine a potential program for development. The principal goal of the Plan is to promote reinvestment in downtown properties to ensure both the long-term economic health of the municipality, and to prevent the further deterioration of older homes and businesses. Further, future development of moderate density will enhance downtown Rockaway’s character and position as the central hub for social and commercial activity in the Borough. This Plan is also meant to clarify zoning regulations and processes to facilitate development, provide appropriate transitions toward surrounding residential neighborhoods, and provide opportunities to create well-designed parking and loading facilities for the Borough’s businesses.

The Borough has determined that the use of redevelopment powers granted to municipalities under the Local Redevelopment and Housing Law (“LRHL”) (N.J.S.A. 40A:12A-1, et seq.) would be the most effective means to revitalize the parcels contained in the Redevelopment Area. All properties within the Redevelopment Area were designated as an “Area in Need of Rehabilitation” under Resolution 36-22, adopted on February 10, 2022. Additionally, certain properties within the Redevelopment Area were designated as an “Area in Need of Redevelopment” under Resolution 221-21, adopted on December 20, 2021. See **Appendix B** for both resolutions and block and lots for which properties were designated as an “Area in Need of Redevelopment”.

Municipalities have the option of adopting a redevelopment plan for all or a portion of the designated area and employ several planning and financial tools to make redevelopment projects more feasible to remove deleterious conditions. Under this redevelopment plan:

- The properties with a rehabilitation designation that do not have redevelopment designation may be eligible for short-term tax incentives only.
- The properties with a redevelopment designation may be eligible for long-term tax incentives.
- No properties under this redevelopment plan may use condemnation powers.

The Redevelopment Area primarily focuses on Borough Center Commercial and General Business zoning districts, which are primarily commercial properties, and some residential properties within downtown Rockaway Borough. With its epicenter around the intersection of West Main Street and Wall Street, the Redevelopment Area runs from office buildings on West Main Street across the Rockaway River to Franklin Avenue, branching off onto adjacent downtown streets along the way. Housing Town Hall, Fire and Police Departments, and several parks, the Redevelopment Area encompasses parcels that define the Borough’s core. As such, the long-term economic health and vitality of the Redevelopment Area is essential to the Borough, its citizens, and its businesses.

## I.1. Relationship to Municipal Zoning Ordinance

This Plan is intended to provide a regulatory framework for the revitalization of Downtown Rockaway Borough. The Plan also encompasses transitional neighborhoods extending from West Main Street and Wall Street onto West New Street, East New Street, East Main Street, Jackson Avenue, Maple Avenue, Dock Street, and Church Street.

With particular attention to site planning and bulk standards, this Plan serves both current downtown businesses and residents as well as all members of the greater Rockaway Borough community.

The LRHL identifies required components to be included in a Redevelopment Plan. In accordance with N.J.S.A. 40A:12A-7a, the Redevelopment Plan must include an outline for the planning, development, redevelopment or rehabilitation of a project area which is sufficient to indicate:

- 1) Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- 2) Proposed land uses and building requirements in the project area.
- 3) Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- 4) An identification of any property within the Redevelopment Area which is proposed to be acquired in accordance with the Redevelopment Plan.
- 5) Any significant relationship of the Redevelopment Plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.).

In accordance with N.J.S.A. 40A:12A-7c, this Redevelopment Plan shall **supersede** the Borough Zoning Ordinance. Any standard, definition, or regulation in the Borough Municipal Code that is not specifically addressed by a standard, definition, or regulation in this Plan shall be incorporated into this Plan. As further discussed in Section 7.4, a Redeveloper Designation shall be required.

A parcel(s) within the Redevelopment Area does not require Redeveloper Designation or a Redevelopment Agreement per Section 7.4 if the proposed development consists of only the following:

- 1) A change to exterior façade material and signage.
- 2) A change to any accessory structures such as refuse, walls, and utility structures (e.g. transformers and generators).
- 3) A proposal for a permitted detached one-family or two-family building upon an individual, pre-existing parcel.

- 4) A change in use to a permitted use.
- 5) Alterations / renovations that do not involve either: a) structural modification to any façade; b) reduction of any exterior existing windows and doors; c) interior alterations that increase gross floor area; or d) requires a variance related to a principal use or principal structure.

No benefits or incentives available pursuant to the LRHL, the Redevelopment Area Bond Financing Law (the “RAB Law”) or other applicable law, nor any of the increased controls (e.g. additional height, density or permitted uses) shall be available unless the improvements to be undertaken are undertaken by an entity that has been designated by the Borough as redeveloper for the site and has executed a Redevelopment Agreement with the Borough in accordance with the LRHL.

## 2. LOCAL REDEVELOPMENT + HOUSING LAW (“LRHL”)

The Borough determined that the use of the redevelopment powers granted to municipalities under the LRHL would be the most effective approach to revitalize the Redevelopment Area and construct redevelopment project improvements including but not limited to infrastructure associated with water, sewer, roads, and public improvements as necessary to effectuate such redevelopment projects.

The Redevelopment Area was designated by the Borough as an “Area in Need of Rehabilitation” in accordance with the LRHL on February 10, 2022. Additionally, certain properties within the Redevelopment Area were designated as an “Area in Need of Redevelopment” on December 20, 2021. See **Appendix B** for both resolutions and block and lots for which properties were designated as an “Area in Need of Redevelopment”.

The rehabilitation designation and the redevelopment designation do not allow the use of condemnation powers by the Borough.

### 3. RELATION TO OTHER PLANS

Pursuant to the LRHL, “all provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan” (N.J.S.A 40A:12A-7(d)). As well, the redevelopment plan must address “any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan” (N.J.S.A 40A:12A-7(a)(5)). This Plan is consistent with the following plans, as detailed in **Appendix C**.

1. Rockaway Borough 2018 Master Plan
2. Morris County Master Plan
3. Adjacent Municipalities:
  - Denville
  - Rockaway Township
4. NJ State Plans
5. NJ Smart Growth Principles
6. NJ State Strategic Plan

## 4. EXISTING CONDITIONS

### 4.1 Redevelopment Area

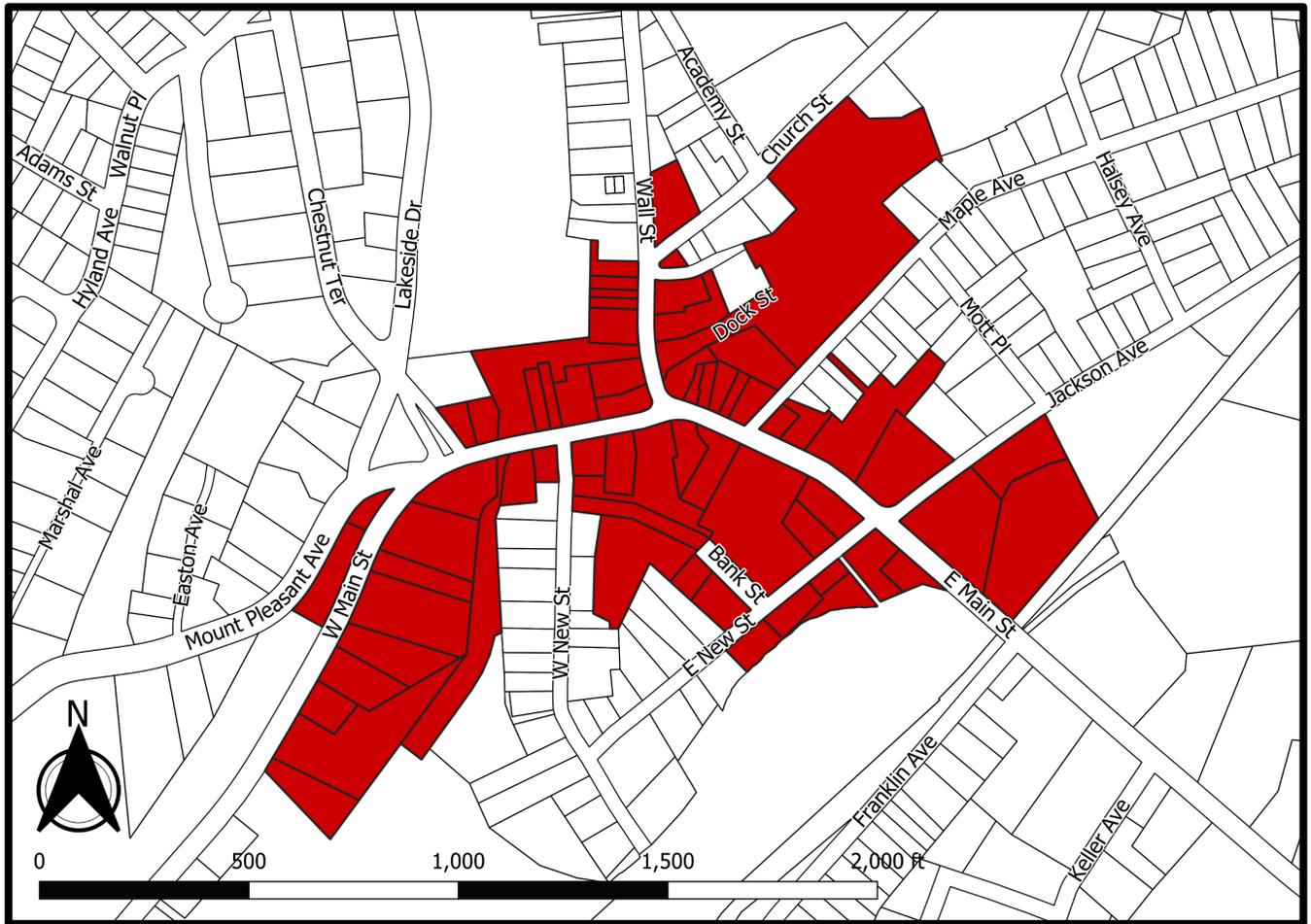


Figure 1: Map of the Redevelopment Area

See **Appendix A** for a tabulation of the blocks and lots of the properties designated as the Redevelopment Area.

### 4.2 Redevelopment Area Background

#### 4.2.1 Redevelopment Area Description

The properties subject to this Plan are predominantly situated within the Borough Center Commercial District, among other properties, along the West Main Street corridor. Primarily, the Redevelopment Area is centered around Main Street and Wall Street and encompasses the downtown portions of Bank Street, East New Street, Mount Pleasant Avenue, Jackson Avenue, and Maple Avenue. The Rockaway River runs along the southeastern portion of the downtown, where it is traversed by East Main Street.

The properties within the Redevelopment Area are almost entirely commercial or mixed use in nature, with a few residential properties (zoned Borough Center Commercial or General Business) scattered throughout the downtown. The downtown is surrounded by various residential neighborhoods and related development. The Redevelopment Area is flanked by parks on all sides, including Friendship Field and Memorial Park to the north, the

Jackson Avenue River Park to the east, and Donatoni Park to the southwest. An industrial area borders the Study Area to the east and south across the Rockaway River.

The Redevelopment Area contrasts Pre-War development with Post-War auto-oriented projects. The historic Borough Hall lies within the Study Area, and one-to-three-story buildings dating from the early 20th-century surround the intersection of Main Street and Wall Street. The Study Area also contains a historic church structure that has long since housed a performing arts center. Conversely, much of the downtown is dedicated to surface parking, including five autobody businesses and two strip mall developments.

#### **4.2.2 History of Redevelopment Area**

The Redevelopment Area is centered around the downtown core of the Borough. Originally referred to as Rockaway Borough, the Borough of Rockaway was first settled around 1730. It very quickly became a regional center for manufacturing and trade, economically tied to the mills and forges in Mt. Hope, White Meadow, Beaver Brook, Hibernia, Mt. Pleasant and Dover. The Borough also had its own saw mill, grist mill, and forge that were built on the Rockaway River. During the Revolutionary Period, Rockaway was a center for revolutionary activity spurred by the British Mercantile Acts, which impacted local commerce and industries. The Morris Canal ran right through the center of Rockaway, contributing to the community's steady growth throughout the 19th Century.

The development pattern of Rockaway was established by the late 1800s, as shaped by its industrial base, a busy main street, and the associated housing typical of an industrial community. Rockaway was officially incorporated as a Borough in 1894, separating from Rockaway Township. As the Sanborn maps below indicate (see Figure 1), Wall Street and Main Street (then Newark Street) were already heavily developed by 1904, while the properties to the east became built-up during the following decades. The Borough grew further in 1908 by adding additional annexed land from the Township.

By the 1950s, the downtown had largely shed its industrial roots and took its modern form. The Morris Canal and associated industrial sites had been replaced by Memorial Park, Dock Street, and the parking lot south of Friendship Field. Auto-related shops and the strip mall on East Main Street were constructed in the downtown area by the 1950s. Similar developments, and the conversion of a portion of Bank Street into a parking lot, were completed by the end of the 1970s. The development pattern within the Redevelopment Area has largely remained unchanged since this period.

Today, the Main Street Historic District and Ironworks Historic District highlight the Borough's historic development pattern.



Figure 2: The Redevelopment Area as depicted in 1902<sup>1</sup>

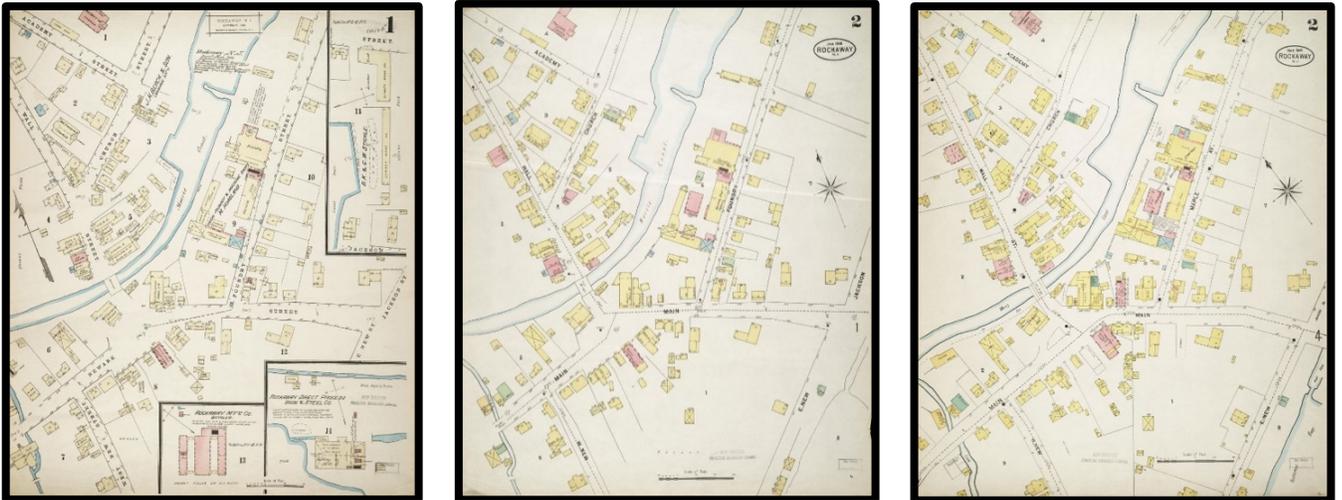


Figure 3: Historic Sanborn Maps from 1886, 1898 and 1904 (left to right)

### 4.2.3 Existing Zoning

Prior to the adoption of this Redevelopment Plan, the properties within the Redevelopment Area fell in the following zoning districts, which are further discussed in **Appendix D**.

- A. R-1 Residential District
- B. R-3 Residential District
- C. R-4 Residential District
- D. B-C Borough Center Commercial District
- E. G-B General Business
- F. O-B Office Business District

<sup>1</sup> Source: New York: Fowler & Bailey, 1902, last accessed via Library of Congress on October 25, 2021.

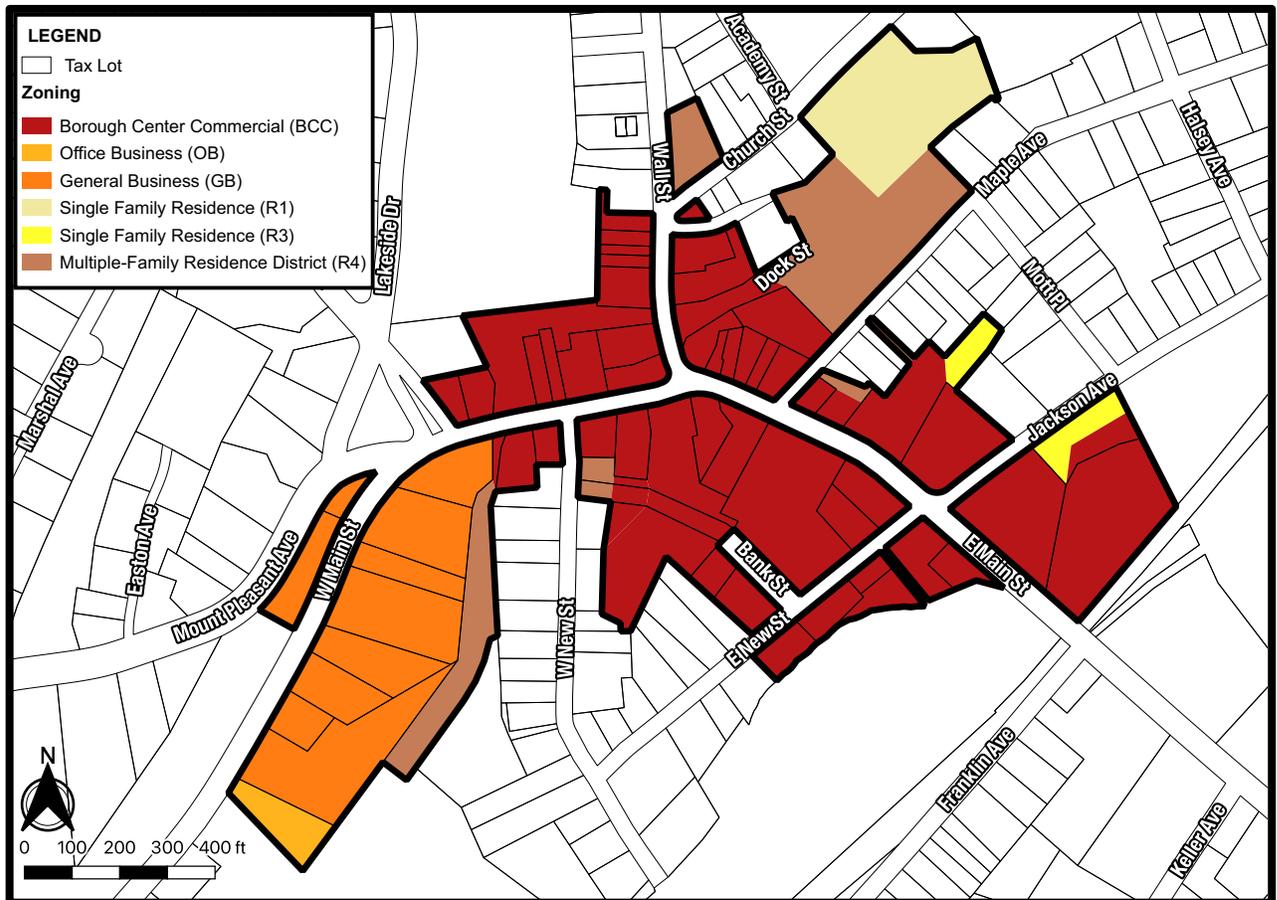


Figure 4: Map of Existing Zoning + the Redevelopment Area

### 4.3 Property Restrictions

#### 4.3.1 Easements

The Redeveloper(s) will be responsible for identifying, maintaining, and relocating, if necessary, any existing easements.

#### 4.3.2 Contamination

The Borough makes no representations as to the presence of environmental contamination on any parcel within the Redevelopment Area, other than that no sites in the Redevelopment Area are identified as Active Sites on the New Jersey Department of Environmental Protection's list of Known Contaminated Sites. The Redeveloper(s) will be responsible for investigating and remediating any possible contaminations on parcels they seek to redevelop.

## 5 PUBLIC PURPOSES

### 5.1 Description of Redevelopment Area

The properties subject to this Plan are in Downtown Rockaway Borough and predominantly situated along Wall Street, East Main Street, and West Main Street. A full list of properties within the Redevelopment Area is provided by subdistrict in **Appendix A**.

### 5.2 Goals + Objectives

These goals and objectives build on and expand the priorities identified in the Borough's most recent Master Plan Report and best practices:

#### 5.2.1 **Stimulate Economic Development**

- Promote reinvestment in properties to ensure both the long-term economic health of the municipality, and to prevent the further deterioration of older homes and businesses.
- Promote a mix of uses downtown that generate new small-businesses, service residents' everyday needs, and will contribute the overall vibrancy of downtown.
- Capitalize on assets within and around the downtown to stimulate growth and the attractiveness of the downtown, including the Rockaway River, the Bell & Barter Theatre, and the Borough's parks system.
- Increase the consumer base for downtown businesses through the provision of downtown housing development.

#### 5.2.2 **Provide for a Diverse Range of Affordable Housing Options**

- Provide for moderate additional density in areas where it will enhance the character of the Borough and serve as an appropriate transition between the downtown and single-family neighborhoods.
- Realize the potential to increase ratables through multifamily development.
- Provide a diverse housing stock to allow Borough residents to live in Rockaway through all life stages.

#### 5.2.3 **Promote a Development Pattern that Supports Multiple Modes of Transportation**

- Improve parking utilization and pursue strategies that promote efficient use of parking assets, including Shared Parking solutions and efficient management of public parking facilities.
- Encourage walkability through mixed-use development.
- Create a pleasant pedestrian experience through streetscape improvements and convenient pedestrian routes.
- Create realistic options for safe cycling in the Borough.

#### 5.2.4 **Enhance the Character of Downtown Rockaway Borough through High-Quality Architecture and Design**

- Develop and enforce façade design standards that result in development in harmony with the character of the Borough's most attractive structures.
- Encourage the development of architecture that respects the existing neighborhood fabric and contributes to the visual identity of the Borough's downtown core.
- Incorporate gateway features and general design practices that create a distinct downtown identity.
- Require minimum ground-floor transparency levels to promote active storefronts.

- Encourage new development to include open space, including private amenity spaces for residents and public open space.
- Incorporate sustainable design elements to increase the quality of development and limit impacts on the Borough's resources.

### **5.2.5 Eradicate Blight**

- Protect the health, safety, and welfare of the citizens of the Borough by redeveloping underutilized and stagnant properties that could more effectively contribute to the well-being of the Borough.
- Eliminate blighting influences such as non-compatible land uses, faulty arrangement, and complications of title.
- Promote site assemblage to more efficiently use and develop land.

## 6 LAND USE

### 6.1 Definitions

See **Appendix E**.

### 6.2 Subdistricts - General

As a result of the variety of existing uses and patterns, as well as the overall size of the Redevelopment Area, this Plan takes a multi-district approach to redevelopment. Distinguishing Subdistricts within the larger Redevelopment Area allows for land use patterns that are tailored to the unique identities within the overall Redevelopment Area. The multi-district approach also allows for a flexible redevelopment strategy and the phasing of construction to minimize disruption and target high-impact redevelopment sites first.

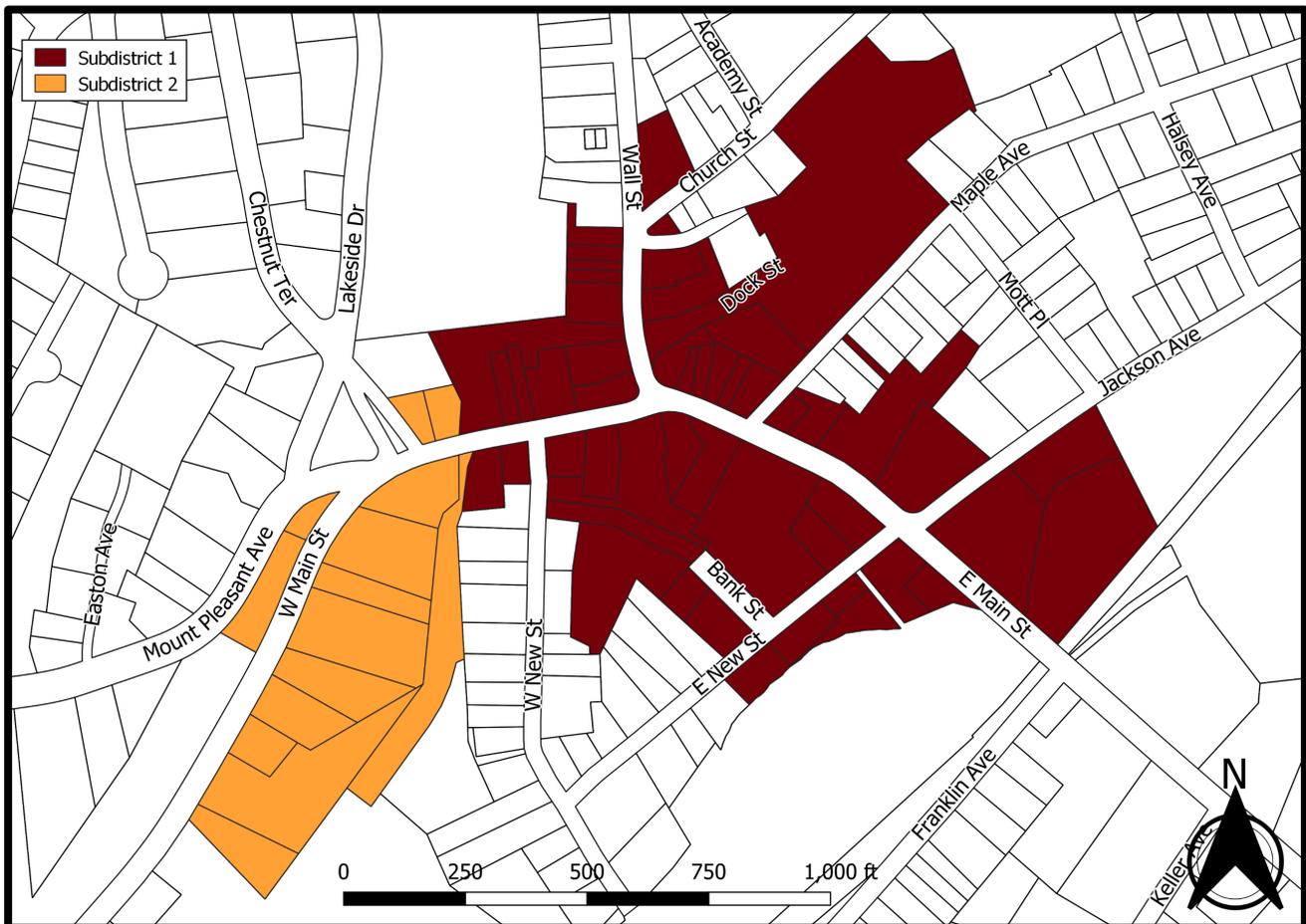


Figure 5: Redevelopment Area Subdistricts.

### 6.3 Subdistrict One – Borough Center I

See **Appendix A** for the Block and Lots of the properties included in Subdistrict I.

#### 6.3.1 Intent

Subdistrict I shall be redeveloped to create a mixed-use area serving the heart of the Borough’s downtown. Residential uses are located above the ground floor and provide options for downtown living in a vibrant pedestrian-friendly environment. Buildings create a continuous street wall with active ground-floor uses, such as retail and restaurants.

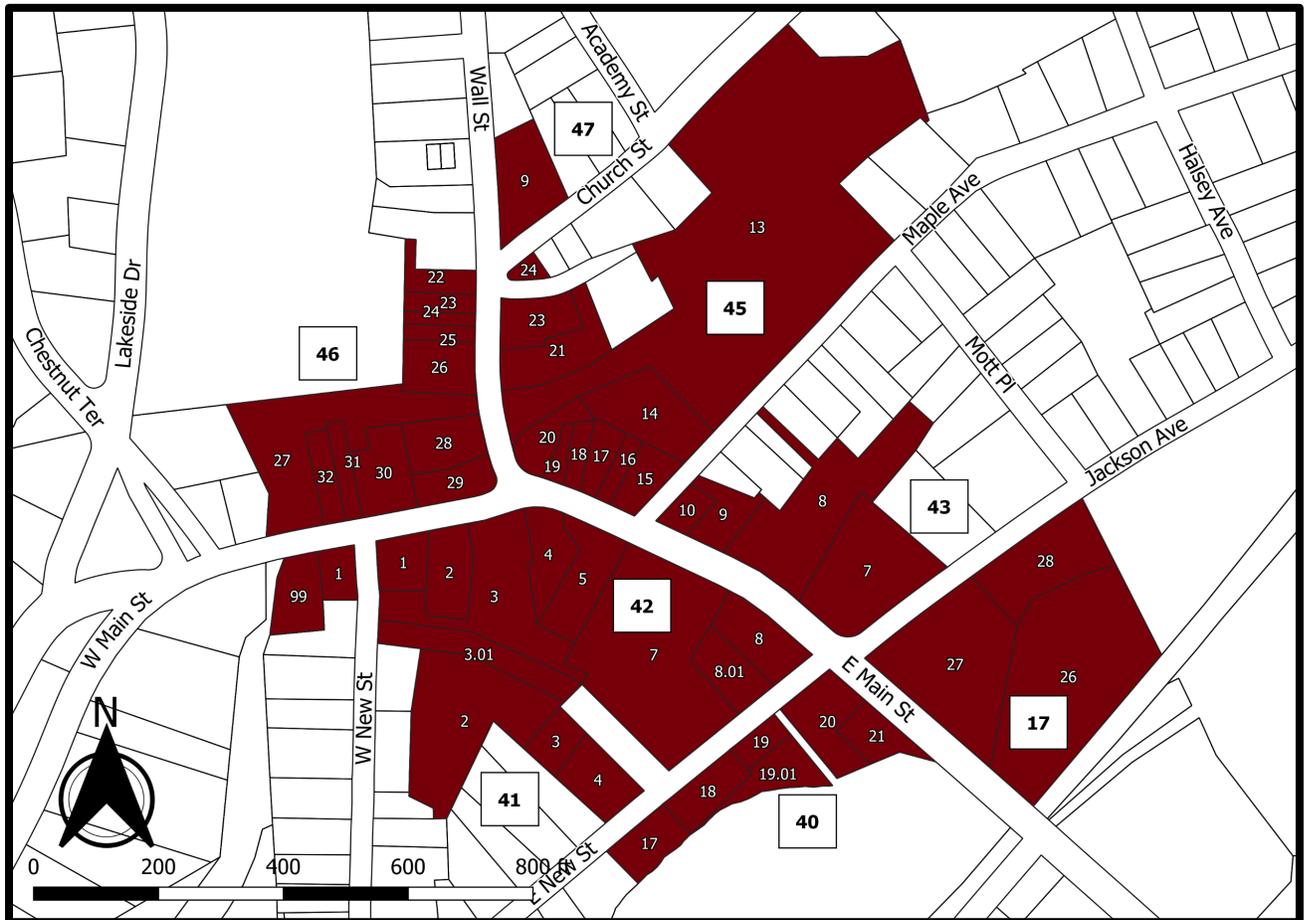


Figure 6: Redevelopment Area Subdistrict I Map.

#### 6.3.2 Permitted Principal Uses

A. Government/Civic/Institutional:

1. Institutional Use
2. Plaza, Square, or Piazza
3. Open Space
4. Cultural Uses

B. Commercial:

1. Banks and Fiduciary Institutions
2. Bars and Taverns
3. Brewpub

4. Convenience Store
  5. Experiential Retail
  6. Farmers' Market
  7. Fitness, Gyms and Wellness
  8. Gaming
  9. Grocery
  10. Hotels
  11. Kitchens for Catering, Instruction / Test\*
  12. Pharmacy
  13. Pet Grooming
  14. Recreation
  15. Restaurant, Café or Carry Out
  16. Restaurant, Full Service
  17. Retail Services or Retail Stores
- C. Business/Office/Professional:
1. Art Gallery or Studio
  2. Artisanal Workshop
  3. Business Services
  4. Coworking
  5. Media Production\*
  6. Office, General\*
  7. Office, Medical\*
  8. Professional Occupations\*
- D. 1- and 2-Family Residential existing at the time of adoption of this Plan
- E. Multifamily Residential
- I. Apartment on upper floors
- F. Parking, Public or Private
- G. Any combination of permitted uses
- H. Uses marked with an asterisk (\*) are not permitted on the ground floor within 30 feet of front façades along West Main Street, East Main Street, or Wall Street

### 6.3.3 Accessory Uses

- A. Car Share
- B. Outdoor Dining
- C. Sidewalk Cafés
- D. Rooftop Deck
- E. Residential lobbies providing access to upper floor Dwelling Units
- F. Any other uses determined to be customary or incidental to permitted principal uses

### 6.3.4 Prohibited Uses

- A. Cannabis Business or Cannabis Retailer
- B. Adult Bookstores
- C. Sale or display of paraphernalia relating to controlled dangerous substances as defined by N.J.S.A. 24:21-1, et seq.
- D. Sale or display of “obscene material” as defined by N.J.S.A. 2C:34-2 et seq.
- E. The operation of a “sexually oriented business,” as defined by N.J.S.A. 2C-34-6
- F. Any other uses not specifically permitted in this Subdistrict by this Redevelopment Plan

### 6.3.5 Area, Bulk and Density Requirements

Subdistrict I provides three “Lot Types” based on the lot area of the subject property. Such lot types are “definitional,” and a property is subject to the regulations for the Lot Type that corresponds to the property’s area.

	<b>Lot Type</b>	<b>Small</b>	<b>Medium</b>	<b>Large</b>
A.	Lot Area	5,000-9,999 SF	10,000-19,999 SF	20,000+ SF
B.	Lot Width (Min.)	50 FT	80 FT	100 FT
	Lot Depth (Min.)	100 FT		
C.	Front Setback	0 FT		20 FT
E.	Side Setback – Each Side*	0 FT (Maximum) 15-25 FT if setback is provided		15-25 FT
F.	Rear Setback (Min.)	20 FT		20 FT
G.	Building Coverage (Max.)	85%		
H.	Impervious Coverage (Max.)	90%**		
I.	Building Height (Max.)	3 Stories / 40 FT	3 Stories / 40 FT	3.5 Stories / 48 FT
J.	Residential Density (Max.)	20 DU/AC	25 DU/AC	30 DU/AC
K.	Accessory Structures	See Borough Code § 172-11***		

\* Setback shall be required if windows are proposed along the side façade or if windows are existing on adjacent property within 5 feet of property line.

\*\*Impervious coverage maximum shall not apply if the building contains at least 3 of the following building design elements:

- Rain garden(s) or bioswale(s)
- Low-flow plumbing fixtures
- Rainwater harvesting system
- Thermoplastic Polyolefin (TPO) or green roof
- Stormwater detention system

\*\*\*In addition, Accessory Uses on the ground floor shall be set back at least 30 feet from any street-facing façade, except for ground floor lobbies.

## 6.4 Subdistrict Two – Borough Center II

See **Appendix A** for the Block and Lots of the properties included in Subdistrict II.

### 6.4.1 Intent.

Subdistrict II shall be redeveloped to create additional housing opportunities in proximity to the downtown. This area will serve as a transitional neighborhood that bridges the different existing densities of nearby sites.

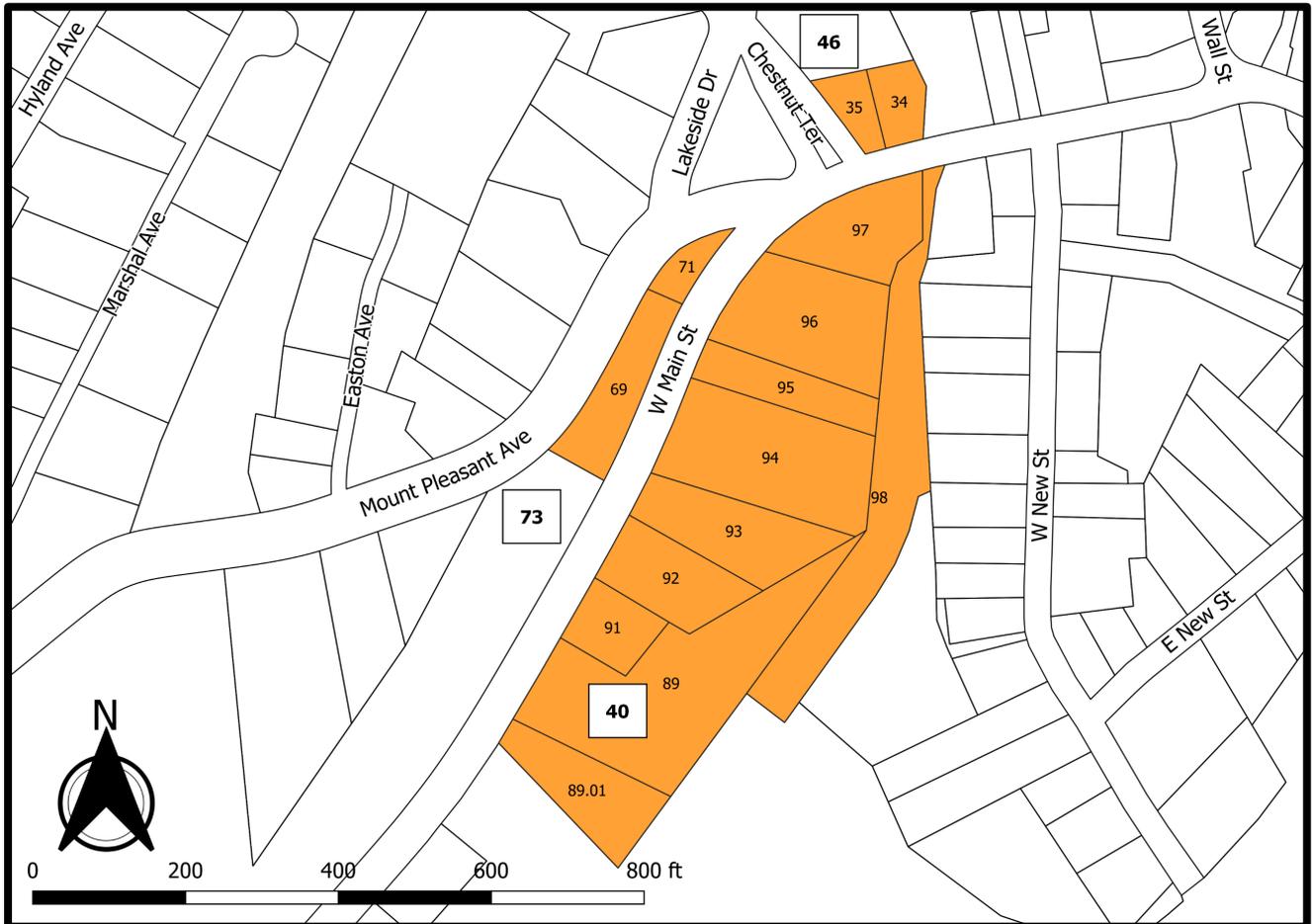


Figure 7: Redevelopment Area Subdistrict II Map.

### 6.4.2 Permitted Principal Uses

#### A. Government/Civic/Institutional:

1. Institutional Use
2. Plaza, Square, or Piazza
3. Open Space
4. Cultural Uses

#### B. Commercial:

1. Banks and Fiduciary Institutions
2. Bars and Taverns
3. Brewpub
4. Convenience Store

5. Experiential Retail
6. Farmers' Market
7. Fitness, Gyms and Wellness
8. Gaming
9. Grocery
10. Kitchens for Catering, Instruction / Test
11. Pharmacy
12. Pet Grooming
13. Recreation
14. Restaurant, Café or Carry Out
15. Restaurant, Full Service
16. Retail Services or Retail Stores

C. Business/Office/Professional:

1. Art Gallery or Studio
2. Artisanal Workshop
3. Business Services
4. Coworking
5. Media Production
6. Office, General
7. Office, Medical
8. Professional Occupations

D. Multifamily Residential

1. Apartment
2. Three- to Four-Family
3. Two-Family
4. Townhome

E. Single-Family Residential

F. Parking, Public or Private

G. Any combination of permitted uses

**6.4.3 Accessory Uses**

A. Car Share

B. Outdoor Dining

C. Rooftop Deck

D. Any other uses determined to be customary or incidental to permitted principal uses

**6.4.4 Prohibited Uses**

A. Cannabis Business or Cannabis Retailer

B. Adult Bookstores

C. Sale or display of paraphernalia relating to controlled dangerous substances as defined by N.J.S.A. 24:21-1, et seq.

D. Sale or display of "obscene material" as defined by N.J.S.A. 2C:34-2 et seq.

E. The operation of a "sexually oriented business," as defined by N.J.S.A. 2C-34-6

F. Any other uses not specifically permitted in this Subdistrict by this Redevelopment Plan are prohibited

#### 6.4.5 Area, Bulk and Density Requirements

A.	Lot Area (Min.)	15,000 SF
B.	Lot Width (Min.)	60 FT
	Lot Depth (Min.)	50 FT
	Front Setback (Min.)	20 FT
D.	Side Setback – Each Side (Min.)	15 FT
E.	Rear Setback (Min.)	20 FT
	Distance between Principal Buildings or Townhouse Rows (Min.)	15 FT
	Townhouse Unit Width (Min.)	20 FT
	Building Coverage (Min.)	50%
G.	Impervious Coverage (Max.)	75%
H.	Building Height (Max.)	3 Stories / 36 FT*
I.	Residential Density (Max.)	15 DU/AC
	Units per Building (Max.)	6 units as part of a Townhouse / attached row in one principal building
J.	Lot Area (Min.)	See Borough Code § 172-11**
*As measured from grade at West Main Street.		
**In addition, Accessory Uses on the ground floor shall be set back at least 30 feet from any street-facing façade, except for ground floor lobbies.		

## **6.5 District-Wide Bulk Standards**

### **6.5.1 Building Design**

- A. Minimum Transparency Levels
  - i. Façades facing West Main Street, East Main Street, and Wall Street:
    - a. Ground Floor: 60%
    - b. Upper Floors: 30%
  - ii. All other Façades:
    - a. Ground Floor: 30%
    - b. Upper Floors: 25%
- B. Floor-to-Floor Height: All ground floor commercial shall have a floor-to-floor minimum height of twelve (12) feet and a maximum height of twenty (20) feet. All other heights except half stories shall have a floor-to-floor minimum height of ten (10) feet and a maximum height of fifteen (15) feet. Half stories shall have a minimum floor-to-ceiling height of eight-and-a-half (7.5) feet and a maximum height of ten (10) feet.

### **6.5.2 Residential Amenity Space**

- A. Buildings containing residential units shall provide a minimum residential Amenity Space at a rate of 75 square feet per unit, with a maximum of 50% indoor.
- B. Open / outdoor Amenity Space may consist of rear lawns, preserved wooded and natural land, decks, patios, terraces, balconies, atria, or similar amenity. Areas used for stormwater detention and retention basins, as well as areas with slopes exceeding 15%, shall not count towards open / outdoor Amenity Space.
- C. Indoor Amenity Space may consist of common gathering areas, lounges, fitness gyms, game rooms, or other similar amenity.
- D. For Rooftop Deck to not qualify as a Story, enclosed spaces on a Rooftop Deck shall be limited to:
  - i. Stairwell / Elevator
  - ii. Storage and trash rooms associated with the Rooftop Deck use
  - iii. Vestibule providing access to the above facilities and the Rooftop Deck
  - iv. Rooms containing such facilities shall not exceed 9' above the maximum permitted Building Height.
- E. No Rooftop Decks shall be located above a half-story.

### **6.5.3 Signage**

- A. Residential Canopy signs shall be permitted within the Redevelopment Area, and must comply with Borough Zoning Ordinance, Article IV, Signs, §172-40 except that the Canopy sign size at building entrances which contain only numbers or property address may be up to 18 SF.
- B. All other wall-mounted, Canopy, mansard, and marquee signs must comply with the Borough Ordinance, except that no individual sign shall exceed an area of 40 SF.
- C. Signage shall not be mounted above the architectural band, between the first and second floors.
- D. Unless otherwise specified herein, all projects within the Redevelopment Area shall comply with Article IV, Sign of the Zoning Ordinance of the Borough of Rockaway.

## 6.6 Parking

### 6.6.1 Automotive Parking

A. Parking Requirements: Off-street parking shall be provided in accordance with the following table:

<b>Use</b>	<b>Min. / Max. Requirement</b>
<u>Residential (per unit)</u>	
Subdistrict I	1/2
Subdistrict II	1.5/2.5
Government/Civic/Institutional (per 1,000 GFA)	1/3
<u>Business/Office/Professional (per 1,000 GFA)</u>	
General and professional offices	3/5
Business Services	3/5
Office, Medical	4/6
All other business/office/professional	3/5
<u>Commercial</u>	
Restaurants (Full Service), Bars, Taverns or Brewpubs (per 3 seats)	1 (Min.)
Restaurants (Cafe and Carry Out) (per 1,000 GFA)	10/20
Hotels (per room)	1.5/2
Grocery (per 1,000 GFA)	3/5
Theaters (per 1 seat)	0.5/1.5
All other commercial uses (per 1,000 GFA)	2.5/3.5

- i. Parking Exemptions:
    - a. Projects requiring 10 parking spaces or less shall be exempt from the above off-street parking requirements. Such exemption shall not apply to Medical Offices.
    - b. The Borough Council may consider a payment-in-lieu of parking as part of a Redevelopment Agreement.
  - ii. All Parking Areas shall meet or exceed American Disability Act (ADA) standards.
  - iii. Where a lot has frontage along multiple rights-of-way, vehicular access to the property shall be provided via the right-of-way with a lesser Annual Average Daily Traffic (AADT).
  - iv. Properties shall be permitted a maximum of one curb cut, unless otherwise determined necessary by the approving authority. In no such case shall spacing between curb cuts on the same lot be less than 75 feet.
  - v. Construction of automotive parking shall comply with P.L2021, c.171 regarding electric vehicle supply equipment.
  - vi. Parking spaces shall be a minimum of 9' wide and 18' long.
  - vii. Up to 10% of the parking space requirement may be compact spaces, which shall be a minimum of 8' wide and 16' long.
  - viii. Parking located in front yards is not permitted.
  - ix. Any changes to on-street parking are subject to approval from the Borough Council. Existing on-street parking must be replaced at a minimum of one-for-one.
- B. Off-Site Parking
- i. Redeveloper(s) within Subdistrict I are permitted to use an off-site parking agreement to satisfy all or a portion of parking obligations.
  - ii. Any off-site parking agreement shall be subject to a Redevelopment Agreement(s).
  - iii. The access point to off-site parking spaces must be located within 400 feet (direct line measurement) of the subject property.

- iv. Medical offices may provide off-site employee parking for the maximum number of employees on any shift, but the remaining parking requirement shall be provided on-site.

#### C. Shared Parking

- i. Redeveloper(s) may utilize a Shared Parking scheme when calculating off-street parking obligations for mixed-use projects. Redeveloper(s) of single-use structures, with valid off-site parking agreement(s), may also utilize a Shared Parking scheme when calculating combined parking obligations.
- ii. If utilized, proposals incorporating a Shared Parking component shall be substantiated by a study to be prepared by a licensed Professional Engineer or recognized parking consultant.
- iii. Shared Parking calculations shall be based upon a widely accepted methodology, such as those published by the Urban Land Institute (ULI), the Institute of Traffic Engineers (ITE), or other widely accepted models.

### 6.6.2 Bicycle Parking

#### A. Minimum bicycle parking requirements are as follows:

- i. Residential: 0.5 private sheltered / protected spaces per unit
- ii. Nonresidential: 0.5 spaces per 1,000 square feet.

#### B. Site plans shall show the proposed location of bicycle parking/storage facilities on the site and on the building floor plan design. A construction detail of the bicycle rack or facilities shall be provided.

## 6.7 Loading and Unloading

### 6.7.1 General Requirements

#### A. Off-street loading requirements:

- i. A minimum of 1 off-street loading space shall be provided on-site.
- ii. On properties containing more than 10 Dwelling Units, a loading space shall be provided within 50' of:
  - a. Entry door used for move-in/move-out.
  - b. Entry door to access package/mail room.
- iii. If an off-street loading space cannot be accommodated on-site, loading may be provided through the following mechanisms:
  - a. Use of an off-street loading space on another property located within 200' of the subject site may be permitted subject to approval by the Land Use Board and execution of all necessary easements and agreements. Use of off-site, off-street spaces shall be subject to demonstration of sufficient capacity of the loading space for shared operations and safe pedestrian circulation between the loading space and the site.
  - b. Use of an on-street loading space within 200', which may be either existing or proposed. Construction of on-street loading spaces shall be funded by the developer and codified in Section 241-33, Loading Zones. Shared use of an on-street space may be permitted subject to approval by the Land Use Board upon demonstration that sufficient capacity exists for shared operations and that loading operations may be safely conducted within the public realm.
  - c. Use of off-site loading spaces shall be incorporated into a Redevelopment Agreement(s).
  - d. In no case shall off-site/on-street loading facilities for move-in/move-out and deliveries on properties containing more than 10 Dwelling Units be further than 50' from their associated entry doors.

#### B. Loading spaces shall be a minimum of 12' wide and 25' long.

- C. Loading spaces shall be hatched off/marked and provide signage for easy distinction from a parking space.
- D. The specific parameters of loading space design and operations will be addressed within a Redevelopment Agreement(s).

## **6.8 Access, Circulation Analysis + Traffic Study**

The redeveloper shall conduct a Traffic Impact Study for the proposed redevelopment site's residential and commercial uses, which shall be submitted to the Borough prior to execution of a Redevelopment Agreement.

The traffic study shall conform with applicable standards published by the Institute of Traffic Engineers. The primary purpose of the traffic study is to determine whether additional infrastructure improvements will be necessitated by the proposed redevelopment. This study should contain an evaluation of any anticipated impact to surrounding residential streets, particularly relating to traffic congestion or strains on available parking supply. In addition, consideration should be given to whether an on-street loading area would be mutually beneficial for other commercial uses.

Any improvements required in connection with implementation of this Plan shall be included in a Redevelopment Agreement to be executed by the designated redeveloper(s) and the Borough.

This study shall include, but shall not be limited to an assessment of existing off-site features within the traffic study area (as defined below):

- Traffic control devices
- Pedestrian crossings and sidewalks
- Geometries of existing and proposed rights-of-way
- Off-and-on-street loading areas
- On-street parking
- Interaction with nearby driveways, alleyways, and access points
- Potential project impacts to adjacent streets
- Potential project traffic calming strategies

The traffic study area shall include the following intersections:

- Mount Pleasant Avenue, West Main Street, Chestnut Terrace, and Lakeside Drive
- West Main Street and West New Street
- Wall Street and West Main Street
- Wall Street, Church Street, and Dock Street
- Maple Avenue and West/East Main Street
- East Main Street, Jackson Street, and East New Street
- East New Street and Franklin Avenue

## **6.9 District-Wide Design Standards**

### **6.9.1 Building Design**

- A. Street-facing façades shall provide articulation through material and color changes, building projections, columns, rooflines, and other articulation strategies.
- B. Horizontal façade articulation of at least 3 feet shall be required every 40 feet of façade width. Articulation should be designed to reflect the interior layout of building, delineating different commercial or residential units.

- C. Building design shall highlight the ground floor and differentiate it from upper floors. This may be achieved through different window openings or treatments, Awnings or canopies, vertical façade articulation, material and color changes, architectural bands, or other similar treatments.
- D. No Blank Walls shall be permitted along side or rear façades. Articulation or depth in the form of material changes, shadow windows, or brickwork shall be used to break up an otherwise flat wall. If a building includes an exposed wall at a side or rear property line, such wall should include faux windows or murals in lieu of façade openings or articulation.
- E. Ground floor commercial spaces shall provide at least one pedestrian patron entrance every 40 feet of street frontage.
- F. Fire escapes and secondary points of egress are to be internal.
- G. Building Materials: The following building materials are permitted, plus any deviations, substitutions, and additional materials if approved by the Land Use Board (acting solely as a Planning Board).
  - i. Masonry and/or wood are permitted as primary façade material, which must encompass at least 60% of the façade area (not including window openings).
  - ii. Other materials, such as metal, siding, and paneling may be used as secondary façade materials.
  - iii. No unfinished cement block shall be permitted on any exterior façade.
- H. Rooflines
  - i. Flat roofing shall be treated with a Cornice or similar architectural element to define the building edge.
  - ii. If utilized, sloped roofing shall have a roof pitch between 4:12 and 18:12.
  - iii. Sloped roofing shall be covered by shingles or another material if approved by the Land Use Board (acting solely as a Planning Board).
- I. Building Projections
  - i. Awnings + Canopies: Awnings are encouraged, particularly at primary entrances. Awnings shall not conceal or disfigure an architectural feature. Awnings shall not project more than 4 feet maximum. Awnings shall have a height clearance of 8 feet minimum. The Land Use Board (acting solely as a Planning Board) shall review to determine that Awnings do not interfere with street trees or roof drainage.
  - ii. Architectural porticos, balconies, bay windows, appurtenances, overhangs, and other similar elements may project beyond the face of the building up to 4 feet, but not more than 2 feet over property line.
  - iii. Ground floor projections for an entrance Canopy may extend further than 4 feet from the building, provided a minimum of 6 feet wide portion of the sidewalk remains clear of any overhangs, projections, or canopies.
  - iv. Projections in ROW: Projections into the right-of-way shall be subject to approval by the Borough Council. Redevelopers shall be responsible for obtaining approval from applicable county, regional, and state agencies for any public improvements, public access or building projections above the right-of-way line.

### 6.9.2 Rooftop Decks

- A. Rooftop Decks shall be for residential building tenants only.
- B. The Rooftop Decks shall not be used between 12:00 am and 6:00 am, and all lights shall be turned off during these hours.

- C. Sound systems shall not be installed on Rooftop Decks, and a sign containing the Borough noise ordinance requirements and Rooftop Deck rules shall be posted on the Rooftop Deck.

### 6.9.3 Lighting

- A. All pedestrian sidewalks, Parking Areas, and building entrances shall provide a minimum footcandle level of 2 footcandles and a maximum of 5 footcandles, excluding ATM security lighting. This may be provided by wall-mounted fixtures, pole fixtures, or a combination of the two.
- B. Lighting at corners and crosswalks should provide a minimum of 3 footcandles and may include bollards or in-pavement fixtures.
- C. Lights are to be provided at a minimum of 60-foot intervals along all public streets and near bicycle and pedestrian facilities accessible to the public and should be no taller than 14'-0", except in no case shall wall-mounted lights be taller than the ground floor floor-to-floor height.
- D. Lights are to be fully enclosed/shielded, full cut off fixtures to prevent light spillage onto off-site properties or upward into the sky. Lighting fixtures are to be LED lamps providing "warm-white" light (CCT<3,000 K or S/P ratio <1.2) and not less than one-half horizontal foot-candle average lighting level at the surface.
- E. All lighting shall be directed away from all adjacent Lots. House side shields should be installed on any fixtures approximate to residential properties.
- F. Lighting shall be turned off between the hours of 12:00 am and 6:00 am except for fixtures required for safety and security.
- G. All wiring shall be laid underground.
- H. No flashing, laser, searchlight, strobe, tracing, pulsating, or neon exterior lighting is permitted.
- I. All light fixtures shall be complementary to the architecture of their building, and pole footings should be mounted at-grade.

### 6.9.4 Streetscape

- A. Sidewalks: Sidewalks are required along both sides of all new and improved streets. Sidewalks associated with any construction shall comply with the below dimensional requirements.
  - i. Sidewalks within Subdistrict I must be a minimum of 10 feet wide, with no less than 6 feet of unobstructed space for pedestrian passage and no less than 6 feet of space open to the sky without vertical incursion from canopies or similar building features.
  - ii. Sidewalks within Subdistrict II shall provide a minimum sidewalk width of 6 feet wide and provide a landscaped zone at least 4 feet in width between the sidewalk and the curb.
  - iii. High-quality pavers, stamped concrete, or similar materials are required. Details for sidewalks, curbs, and ramps shall be provided for approval by the Land Use Board to ensure a consistent streetscape design.
- B. Sidewalk Cafés
  - i. Sidewalk cafés are encouraged within the right-of-way adjacent to properties with ground-floor nonresidential uses.
  - ii. Sidewalk cafés shall be a minimum of 4' in width and shall provide unobstructed space for pedestrian passage pursuant to Section 6.9.4.B of this Plan.
  - iii. Sidewalk cafés shall comply with licensing requirements pursuant to Section 177 of the Borough Ordinance.
- C. ADA Accessibility

- i. ADA compliant tactile pavers shall be used to define the edge of any service drive.
  - ii. All publicly accessible space shall be ADA compliant and encourage enjoyment for individuals of all abilities.
- D. Programmable Space: Areas between the curb and building frontage should be designed to accommodate tables, chairs, landscaping, and other improvements to create an attractive and hospitable area.
- E. Street Lights: Street lights are to be provided at a minimum of sixty (60) foot intervals along all public streets and near bicycle and pedestrian facilities accessible to the public and should be no taller than twenty (20) feet.
- F. Crosswalks + Pedestrian Crossings: Crosswalks must be provided across all legs of street intersections and shall be designed to maximize visibility, utilizing signage, colors and materials, lighting, and other techniques. Warning signage shall be installed as necessary. Crosswalks shall be a minimum of ten (10) feet wide.
- G. Curbs: Curbs shall be extended at corners to minimize the crossing distance for pedestrians and improve sightlines. Curb materials shall such as high-quality pavers or similar materials are encouraged to give the Redevelopment Area a 'signature' look.
- H. Bollards: Bollards are required where curbs are flush with the roadway. Illuminated bollards are encouraged at crosswalks.

#### **6.9.5 Street Furniture**

- A. Any street furniture provided, including but not limited to benches, trash receptacles, and tables, shall be located such that the minimum unobstructed sidewalk pursuant to Section 6.9.4, Streetscape are provided for the safe passage of pedestrians.
- B. Trash receptacles are to be provided at regular intervals along pedestrian walkways, including public rights-of-way, at a minimum of 200'-0" on center.
- C. Outdoor Public Seating shall be provided along pedestrian pathways and near shade at an average of 1 per 75 feet. Seating level shall be between 18 and 24 inches and the sitting depth shall be a minimum of 15 inches. Seating may consist of benches, sitting ledges, stairs, and moveable tables and chairs.
- D. Redeveloper shall propose a palate of furniture, fixtures, and finishes for seating that are modern, human-oriented and imaginative. Proposed street furniture shall be subject to approval by the Board Planner.
- E. Establishments with outdoor seating, whether outdoor dining on-site or sidewalk cafés, shall close such outdoor seating areas between the hours of 12:00 am and 7:00 am. Within thirty (30) minutes of the closing of the outside area, the establishment shall make sure that all furniture, apparatus, decorations and appurtenances, and any other items used in connection with the operation of the outside area, are stacked and stored in a safe and secure location.

#### **6.9.6 Landscaping**

- A. Street Trees: Pollution resistant street shade trees are to be planted along both sides of the street, at regular intervals of 25 feet on center. Tree grouping or clustering is encouraged.
  - i. Trees shall be a minimum of 3.5 inches caliper measured at 8 inches above the grade.
  - ii. Tree irrigation bags must be installed and maintained for at least 6 months after planting.

- iii. Locations that are not reasonably feasible due to lack of sun exposure, conflicts with utilities, or other contextual challenges may replace the requirement to provide street trees with alternative plantings or streetscape design.
- iv. Tree pits shall be at least 4' in width and 7' in length.
- B. Street tree locations that are not reasonably feasible due to lack of sun exposure, conflicts with utilities, or other contextual challenges may replace the requirement to provide street trees with alternative plantings or streetscape design.
- C. Landscaping:
  - i. Landscaping, rain gardens and bioswales are encouraged to the greatest extent practicable.
  - ii. Foundation landscaping shall be provided at building setbacks, either at grade or in raised planter beds. Shrubs and groundcover shall be planted to create a continuous row of foundation landscaping subject to final review by the Board.
  - iii. The utilization of downspout planters are encouraged for the treatment of stormwater from building rooftops.
  - iv. A landscape buffering of at least 4 feet wide or solid fence shall be provided along any side or rear property line in Subdistrict II and within any rear yard in Subdistrict I. This shall exclude areas within sight triangles.
- D. Fences + Walls:
  - i. Front yard fences are not permitted.
  - ii. Fences in side or rear yards shall not exceed 6 feet in height.
  - iii. Fences and walls must be constructed of a material complementary to those of the principal building. Chain link fences are not permitted.
- E. All efforts should be made to maintain existing vegetation on site. Protective fencing should be placed around trees throughout the duration of construction. Removed trees shall be replaced in accordance with Borough Code §170-45.

## **6.10 Utilities**

### **6.10.1 General Requirements**

- A. Screening: All ground-mounted or rooftop utility equipment must be screened from view with either landscaping, fencing, or architectural strategies such as parapets. Any screening should be complementary to the colors and materials of the façade and minimize visual impacts, subject to approval by the Board Planner.
- B. Utility Meters: All utility meters shall be located within the building, designed for remote reading by the Utility Company, and not visible from public view. If the Utility Company determines internal location of meters is not feasible, a different location shall be permitted, but exterior meters shall be located and screened to minimize visual impact, being located in the side or rear yard if permitted by the Utility Company.
- C. Location: External ground-mounted utilities are only permitted in side or rear yards. On Large Lot developments, no utilities, whether ground-mounted or pole-mounted, shall be permitted in any front yard.
- D. All ground-mounted utilities (including transformers, HVAC, generators, and telecommunication equipment) will be internal or underground unless determined to be infeasible by the Utility Company.
- E. Rooftop Utility Requirements:

- i. Rooftop appurtenances, such as but not limited to, HVAC equipment, elevator housing, exhaust pipes, water meters and other mechanical equipment are to be fully screened from view as measured from 5'-5" above grade at the property line(s) parallel to the far side of the adjacent right-of-way.
  - ii. Utilities Height Above Roof (maximum): 5'.
  - iii. Setbacks (minimum): 10' from all building edges
  - iv. Vertical bulkheads, mechanical equipment and related appurtenances may be exempt from the total Building Height if under 5' tall, setback 10' from the building edge, and properly screened.
  - v. Stair access shall not exceed 9' above the maximum permitted Building Height.
- F. All easements shall comply with Borough requirements. Exact locations for utility lines and easements shall be established at time of preliminary site plan approval or subdivision.
- G. Cost sharing methodology shall be defined in the Redevelopment Agreement for each respective parcel. In addition to public improvements included in this Plan, the methodology shall account for any and all previous infrastructure contribution made by the redeveloper related to the implementation of the Redevelopment Plan. Any relocation and/or replacement of utility lines shall be the sole responsibility of the Redeveloper(s) and shall not be an expense to the Borough.
- H. The Developer shall make good faith efforts to obtain preliminary approval by the Utility Company for transformer location prior to execution of a Redevelopment Agreement.

#### **6.10.2 Water + Sewer**

- A. Each development shall be connected to the public sanitary sewer and water systems, as approved by the Borough Engineer.
- B. Redeveloper(s) must ensure all projects provide sufficient flow and meet all standards required by the Fire Department.
- C. For water and sewer, Redeveloper(s) must model and provide guidance to the Borough on existing service and capacity to ensure proper service for any development proposed. Continued monitoring and coordination with the Borough is required for all projects.
- D. Fire hydrants shall be installed by the redeveloper in adequate numbers and at locations recommended by the Borough Engineer.

#### **6.10.3 Stormwater**

- A. All projects within the Redevelopment Area shall comply with Borough Code Section 170-36 – Stormwater Control.
- B. All projects within the Redevelopment Area shall be considered a 'major development' as defined under Borough Code Section 170-36 – Stormwater Control.

#### **6.10.4 Refuse**

- A. Refuse shall not be located in any required front yard or buffer.
- B. If trash storage must be conducted outside, it must be fully enclosed and screened on all sides with materials and colors that are complementary to the building design.
- C. Screening may be accomplished through the use of planting buffers, fences or walls, and shall be high enough to screen these structures.

#### **6.11 Affordability**

- A. All projects within the Redevelopment Area shall comply with the Borough's affordable housing requirements pursuant to Borough Code Chapter 88, Affordable Housing.

## **7 ADMINISTRATION**

### **7.1 Validity of Plan**

If any section, subsection, paragraph, division, subdivision, clause, or provision of this Plan shall be deemed by a court of competent jurisdiction to be invalid, such part(s) shall be severed and the invalidity thereby shall not affect, impair, or invalidate the remainder of the Plan.

### **7.2 Computations**

When a numerical calculation of zoning standards for a particular Lot results in a fractional number, such numbers shall be rounded down to the next whole number for fractions less than .500 and rounded up for fractions .500 and above.

### **7.3 Other Actions by the Borough in Furtherance of the Plan**

Other actions may be taken by the Borough in its sole discretion, to further the goals of the Plan. These actions may include, but shall not be limited to, provisions for public infrastructure necessary to service new development and vacation of public utility easements and other easements and rights-of-way as may be necessary for redevelopment. The costs for such actions shall be borne by the designated redeveloper(s).

### **7.4 Borough Designation – Redevelopment Agreement**

#### **7.4.1 Usage of the word “Developer”**

Anytime the word “developer” is utilized in this Redevelopment Plan, the same shall mean the redeveloper or redeveloper(s) that are designated by the Borough in accordance with this Redevelopment Plan and the LRHL.

#### **7.4.2 Standing before the Land Use Board (acting solely as a Planning Board)**

Only redevelopers designated by the Borough by resolution of the Borough of Rockaway Borough Council and having executed a Redevelopment Agreement with the Borough (except as set forth in Section I.1) may proceed to implement the redevelopment projects set forth in this Redevelopment Plan before the Land Use Board (acting solely as a Planning Board).

In order to assure that the vision of this Redevelopment Plan will be successfully implemented in an effective, comprehensive, and timely way, and in order to promptly achieve the public purpose goals of the Plan, the Borough Council, will select the redeveloper(s) in all areas governed by this Redevelopment Plan. Any party not specifically designated as the “redeveloper” as set forth above shall not have the standing to proceed before the Land Use Board (acting solely as a Planning Board) for site plan approval, except as set forth above in Section I.1.

#### **7.4.3 Procedural Standards for Redeveloper Applications**

Except as set forth in Section I.1, all designated redeveloper(s) will be required to execute a Redevelopment Agreement satisfactory to and authorized by the Borough Council. The procedural standards described here will guide redeveloper selection. The Borough Council, acting as the Redevelopment Entity may, at any time, entertain unsolicited proposal(s) from a prospective redeveloper(s) for redevelopment of one or more parcels. The selection process will likely include the submission of some or all of the following materials:

1. Conceptual plans and elevations sufficient in scope to demonstrate that the design approach, architectural concepts, number and type of Dwelling Units, retail and or commercial uses, parking, traffic circulation, flood mitigation, landscaping, open space, construction schedule, including estimated pre-construction time period to secure permits and approvals, and other elements are consistent with the objectives and standards of this Redevelopment Plan.

2. Documentation evidencing the financial responsibility and capability of the proposed redeveloper with respect to carrying out the proposed redevelopment includes but is not limited to: type of company or partnership, disclosure of ownership interest, list of comparable projects successfully completed, list of references with name, address and phone information, list of any general or limited partners, financing plan, and financial profile of the redeveloper entity and its parent, if applicable.
3. A Traffic Impact Study for the proposed redevelopment site's residential and commercial uses, which shall be submitted to the Borough prior to execution of a Redevelopment Agreement.
4. Required escrows to the Borough of Rockaway.
5. Additional submission materials may be requested by the Borough as deemed appropriate to the particular project sites.

## **7.5 Approval Process**

### **7.5.1 Land Use Board (Acting Solely as a Planning Board) Application Process:**

All development applications shall be submitted to the Borough of Rockaway Land Use Board (acting solely as a Planning Board) through the site plan and subdivision procedures as outlined in N.J.S.A. 40:55D-1 et seq. The Land Use Board (acting solely as a Planning Board) shall deem any application for redevelopment for any property subject to this Redevelopment Plan incomplete if the applicant has not been designated by the Borough Council as a redeveloper(s) and a Redevelopment Agreement has not been fully executed.

All projects within the Redevelopment Area shall require site plan or subdivision approval by the Land Use Board (acting solely as a Planning Board) in the normal course. This site plan package may, at the discretion of the Land Use Board (acting solely as a Planning Board), include, but is not limited to, the documents listed below. The Land Use Board (acting solely as a Planning Board) may request additional reasonable analyses and information as is required to make a decision. All submissions shall meet design standards enumerated in this Redevelopment Plan and indicate any deviations from this Redevelopment Plan.

In addition to submission requirements typically required by the Borough pursuant to §171, the Redeveloper shall provide the following:

1. Other detail descriptions not identified in the Borough's Checklists above which will facilitate review of redevelopment applications such as:
  - Details of façade transparency levels (See 6.5.1)
  - Details of floor-to-floor height (See 6.5.1)
  - Details of signage as applicable (See 6.5.3)
  - Details of Amenity Space as applicable (See 6.5.2)
  - Details of utilities as applicable (See 6.5.4)
  - Details of on-site, off-site parking and shared agreements (leases, licenses, agreements) as applicable (See 6.6.1)
  - Details of bicycle parking as applicable (See 6.6.2)
  - Details of loading facilities as applicable (See 6.7)
  - Traffic study as required (See 6.8)
  - Details of building design as applicable (See 6.9.1)

- Details of rooftop decks, including design drawings and operations, as applicable (See 6.9.2)
  - Details of lighting as applicable (See 6.9.3)
  - Details of streetscape design and furniture as applicable (See 6.9.4 and 6.9.5)
  - Details of landscaping as applicable (See 6.9.6)
  - Details of utilities as applicable (See 6.10)
  - Details of affordable housing requirement as applicable (See 6.11)
2. Redevelopment Agreement or equivalent. It should be noted that Redevelopment Agreement may impose additional project-specific submission requirements.

### **7.5.2 Deviations**

Deviations from Section 6.9 District-Wide Design Standards, and Section 6.10, Utilities, may be approved by the Land Use Board (acting solely as a Planning Board) as a design waiver. Unless otherwise specified herein, deviations from other standards contained herein shall require variance relief adjudicated pursuant to N.J.S.A. 40:55D-70.

The Land Use Board (acting solely as a Planning Board) may grant deviations from the regulations contained within this Plan where, by reason for exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk, or design objective or regulation adopted pursuant to this Redevelopment Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Land Use Board (acting solely as a Planning Board) may also grant such relief in an application relating to a specific piece of property where the purposes of this Plan would be advanced by a deviation from the strict requirements of this Redevelopment Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in NJSA 40:55D-12. a. and b. Notwithstanding the above, any changes to the uses permitted in this Redevelopment Area shall be permitted only by means of an amendment of the Plan by the Borough Council. Further, the Land Use Board shall not grant any deviation from standards of this Redevelopment Plan that results in a “D” variance pursuant to N.J.S.A. 40:55D-70d.

### **7.5.3 Approvals by Other Agencies**

The redeveloper shall be required to provide the Borough with copies of all permit applications made to federal, state, and county agencies upon filing such applications, as will be required by the Redevelopment Agreement to be executed between the redeveloper and the Borough.

### **7.6 Severability**

The provisions of this Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Plan and implementing Ordinance shall remain in full force and effect.

## **7.7 Escrows**

At a minimum, the Redevelopment Agreement shall provide that the redeveloper shall be responsible to post sufficient escrows to cover any and all costs of the Borough and the professional consultants retained by the Borough to negotiate the Redevelopment Agreement, undertake any studies in connection with the project, review the proposed redevelopment project and advise the Borough on any and all aspects of the redevelopment process and as otherwise set forth in the Redevelopment Agreement.

## **7.8 Adverse Influences**

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

## **7.9 Non-Discrimination Provisions**

No covenant, lease, conveyance or other instrument shall be effected or executed by the Borough or by a developer or any of their successors or assignees, whereby land within the Area is restricted by the Borough, or the developer, upon the basis of race, creed, color, national origin, ancestry, sexual orientation, gender identity, marital status, or gender in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land in perpetuity, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Area on the basis of race, creed, color, national origin, ancestry, sexual orientation, gender identity, marital status, or gender.

## **7.10 Redevelopment Actions**

The Borough shall have such powers and duties as set forth in the LRHL and as may be conferred by this Plan.

## **7.11 Relocation Requirements**

Implementation of this Plan may require the displacement and relocation of businesses located within the Redevelopment Area. At the time of property acquisition, the actual extent of displacement will be confirmed, and if it is necessary, a Workable Relocation Assistance Plan will be prepared and submitted to the New Jersey Department of Community Affairs for approval. The Borough will comply with the requirements of the New Jersey State relocation statutes and regulations as applicable and will provide all benefits and assistance required under applicable law.

## **7.12 Infrastructure**

The redeveloper, at the redeveloper's cost and expense, shall provide all reasonably necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades to traffic control measures, water service, sanitary sewer service, stormwater management, and flood mitigation measures to the project or required due to the impacts of the project, in addition to all required tie-in or connection fees. The redeveloper shall also be responsible for providing, at the redeveloper's cost and expense, all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on- and off-site traffic controls and road improvements for the project or required due to the impacts of the project.

## **7.13 Procedures for Amending the Plan**

This Plan may be amended from time to time upon compliance with the requirements of state law. A request for same may be submitted to the Borough Council. The Borough reserves the right to amend this plan. The Borough, at its sole discretion, may require an escrow deposit in accordance with Section 8.11 above from the party requesting the amendments, so that the Borough may prepare a study of the impact of such

amendments, which study must be prepared by a professional planner licensed in the State of New Jersey and other additional professionals as may be required by the Borough.

#### **7.14 Redevelopment Plan Duration**

The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restriction with respect thereto shall be in effect until such time as the purpose of the Plan has been satisfied and the designated Redevelopment Area's need for redevelopment has been substantially alleviated.

#### **7.15 Certificates of Completion**

Upon final inspection and issuance of a certificate of occupancy by the construction official for all buildings and the release of all performance and maintenance bonds for improvements by the Borough, the redeveloper may apply to the Borough for issuance of a certificate of completion, which will release the redeveloper from any further obligation under the redevelopment agreement for that project.

#### **7.16 Land Use Map Amendments**

The adoption of this Plan or any amendments thereto shall automatically allow for any necessary modifications to the official Borough of Rockaway Borough Land Use Map to ensure consistency between the two documents.

#### **7.17 Additional Superseding Provisions**

The standards contained within this Redevelopment Plan shall supersede any conflicting standards contained within the Zoning Ordinance of the Borough or other applicable Borough codes or ordinances.

##### **Terms + Definitions**

Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in the Zoning Ordinance of the Borough of Rockaway.

##### **Other Applicable Design + Performance Standards**

Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Zoning Ordinance of the Borough of Rockaway.

#### **7.18 Other Provisions**

This Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, improved public utilities, recreation and community facilities, and other public improvements. This Plan has laid out various programs and strategies requiring implementation in order to carry out the objectives set forth herein.

This Plan lays out the proposed land uses and building requirements for the Redevelopment Area.

The diagrams, images and other graphic representations provided in this Plan are intended to provide a framework for interpretation of the written standards and regulations contained herein. Nothing in this Redevelopment Plan shall preclude the partial redevelopment of a Block depicted in such diagrams, images, or other graphic representations, provided that such subdivision or resubdivision and partial redevelopment of a Block is fully in conformance with the written standards and regulations contained herein.

## APPENDIX A: REDEVELOPMENT AREA PROPERTIES

The following properties are included within the Redevelopment Area, including their block, lot, street address as mentioned in the most recent tax records at the time of plan adoption. We note that Block 41, Lot 2 is an additional lot to Block 42, Lot 3, and Block 42, Lot 3.01 (former Bank Street right-of-way) is depicted on the Borough tax map as part of Block 42, Lot 3.

BLOCK	LOT	SUBDISTRICT	ADDRESS
17	26	Subdistrict I	26 E MAIN ST
17	27	Subdistrict I	10 E MAIN ST
17	28	Subdistrict I	JACKSON AVE
40	1	Subdistrict I	77 W MAIN ST
40	17	Subdistrict I	36-40 E NEW ST
40	18	Subdistrict I	26 E NEW ST
40	19	Subdistrict I	18 E NEW ST
40	19.01	Subdistrict I	1 E NEW ST
40	20	Subdistrict I	W NEW ST
40	21	Subdistrict I	11 E MAIN ST
40	89	Subdistrict I	163 W MAIN ST
40	89.01	Subdistrict II	171 W MAIN ST
40	91	Subdistrict II	155 W MAIN ST
40	92	Subdistrict II	147 W MAIN ST
40	93	Subdistrict II	141 W MAIN ST
40	94	Subdistrict II	137 W MAIN ST
40	95	Subdistrict II	121 W MAIN ST
40	96	Subdistrict II	111 W MAIN ST
40	97	Subdistrict II	89 W MAIN ST
40	98	Subdistrict II	W MAIN ST
40	99	Subdistrict I	83 W MAIN ST
41	3	Subdistrict I	3 BANK ST
41	4	Subdistrict I	1 BANK ST
42	1	Subdistrict I	73 W MAIN ST
42	2	Subdistrict I	63-65 W MAIN ST
42	3	Subdistrict I	55-57 W MAIN ST
42	4	Subdistrict I	49 W MAIN ST
42	5	Subdistrict I	45 W MAIN ST
42	7	Subdistrict I	25 W MAIN ST
42	8	Subdistrict I	7 E NEW ST
42	8.01	Subdistrict I	1 W MAIN ST
43	7	Subdistrict I	4 W MAIN ST
43	8	Subdistrict I	20 W MAIN ST
43	9	Subdistrict I	30 W MAIN ST
43	10	Subdistrict I	36 W MAIN ST
45	13	Subdistrict I	33 MAPLE AVE
45	14	Subdistrict I	21 MAPLE AVE
45	15	Subdistrict I	40 W MAIN ST
45	16	Subdistrict I	42 W MAIN ST
45	17	Subdistrict I	44 W MAIN ST

<b>BLOCK</b>	<b>LOT</b>	<b>SUBDISTRICT</b>	<b>ADDRESS</b>
45	18	Subdistrict I	46 W MAIN ST
45	19	Subdistrict I	50 W MAIN ST
45	20	Subdistrict I	2 WALL ST
45	21	Subdistrict I	20 WALL ST
45	23	Subdistrict I	30 WALL ST
45	24	Subdistrict I	2 CHURCH ST
46	22	Subdistrict I	33 WALL ST
46	23	Subdistrict I	29-31 WALL ST
46	24	Subdistrict I	27 WALL ST
46	25	Subdistrict I	25 WALL ST
46	26	Subdistrict I	13-21 WALL ST
46	27	Subdistrict I	11 WALL ST
46	28	Subdistrict I	9 WALL ST
46	29	Subdistrict I	11 WALL ST
46	30	Subdistrict I	62 W MAIN ST
46	31	Subdistrict I	72 W MAIN ST
46	32	Subdistrict I	74 W MAIN ST
46	34	Subdistrict II	88 W MAIN ST
46	35	Subdistrict II	92 W MAIN ST
47	9	Subdistrict I	13 CHURCH ST
73	69	Subdistrict II	118-126 W MAIN ST
73	71	Subdistrict II	110 W MAIN ST

## APPENDIX B: RESOLUTIONS

### Area in Need of Redevelopment

**RESOLUTION: 221-21 DESIGNATING CERTAIN OF THE PROPERTIES IDENTIFIED AS BLOCK 17, LOTS 26, 27; BLOCK 40, LOTS 19, 19.01, 20, 21, 94, 95, 96, 97, 98; BLOCK 41, LOTS 2, 3, 4; BLOCK 42; LOTS 1, 2, 3, 3.01, 4, 5, 7, 8, 8.01; BLOCK 43 LOT 10; BLOCK 45 LOTS 13, 14, 15, 16, 17, 18, 19, 20, 21, 23; BLOCK 46, LOTS 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35; BLOCK 47, LOT 9; BLOCK 73, LOTS 69 AND 71 ON THE TAX MAP OF THE BOROUGH OF ROCKAWAY, COUNTY OF MORRIS AND STATE OF NEW JERSEY (GENERALLY EAST AND WEST MAIN STREET IN THE DOWNTOWN AREA) AS AN AREA IN NEED OF REDEVELOPMENT (NON-CONDEMNATION REDEVELOPMENT AREA), PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12-1, ET SEQ.**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute an area in need of redevelopment, under the Redevelopment Law, the Borough Council (the "Borough Council") of the Borough of Rockaway (the "Borough") must authorize the Land Use Board to conduct a preliminary investigation of the area and make recommendations to the Borough Council; and

WHEREAS, the Borough Council has, by Resolution 89-21 (May 13, 2021) authorized and directed the Land Use Board to conduct an investigation with respect to the property commonly identified above on the tax map of the Borough of Rockaway, State of New Jersey, which is in the central portion of the Borough, extending along the Borough's Main Street, Easterly and Westerly, and is more commonly known as the downtown area (the "Study Area"), to determine whether the Study Area satisfies the criteria set forth in Section 5 of the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment, which designation would permit the Borough to utilize all of the redevelopment powers, excepting Eminent Domain, as those powers are described pursuant to N.J.S.A. 40A:12A-8; and

WHEREAS, the Land Use Board authorized the firm of TOPOLOGY, LLC, (the "Planning Consultant") to conduct an investigation and perform a study pursuant to N.J.S.A. 40A:12A-6 to determine whether the Study Area or portions thereof satisfies the criteria set forth in N.J.S.A. 40A:12A-5 to be designated as a Non-Condemnation Redevelopment Area; and

WHEREAS, the Redevelopment Law requires the Land Use Board to conduct a public hearing prior to determining whether or not the Study Area should be designated as a Non-Condemnation Redevelopment Area, at which hearing the Land Use Board shall hear all persons who are interested in or who would be affected by a determination that the Study Area is a Non-Condemnation Redevelopment Area; and

WHEREAS, the Redevelopment Law further requires the Land Use Board, prior to conducting such public hearing, to publish notice of the hearing in a newspaper of general circulation in the municipality once each week for two consecutive weeks, with the last publication made no fewer than ten days prior to such public hearing; and

WHEREAS, the Redevelopment Law further requires notice to be mailed to the last known owner(s) of the subject properties, as listed in the Borough's assessment records, at least ten (10) days prior to such public hearing; and

WHEREAS, the Land use Board caused the aforementioned notices to be published in the MORRIS COUNTY DAILY RECORD on November 17, 2021 and on November 24, 2021 and served by certified mail on the owners of the subject properties within the Study Area on November 10, 2021, all of the aforesaid dates being at least ten (10) days before the December 7, 2021 public hearing date; and

WHEREAS, Planning Consultant prepared an investigative report titled "Preliminary Investigation-Borough of Rockaway Downtown Preliminary Investigation Area In Need Of Redevelopment Report" and dated November 10, 2021 (the "Report"), a copy of which Report has been on file and available to the public at least ten (10) days before the public hearing date; and

WHEREAS, the Land Use Board reviewed the Report, received testimony from the Planning Consultant, conducted a public hearing on December 7, 2021, and found that there was substantial evidence to support a finding that a majority of the Study Area meets multiple redevelopment criteria provided under the Redevelopment Law, and recommended, by Resolution dated December 7, 2021, that the identified properties be designated as a Non-Condensation Redevelopment Area; and

WHEREAS, Block 17 Lot 28; Block 40 Lots 1, 17, 18,89-93, and 99; Block 43 Lots 7, 8 and 9; Block 45 Lot 24; and Block 46 Lot 33 were initially a part of the Study Area but were found too non-qualifying; and

WHEREAS, the Borough Council has determined that, based upon the recommendation of the Land Use Board, the remaining Lots in the Study Area identified in the title to this resolution should be designated as a Non-Condensation Redevelopment Area under the Redevelopment Law, with such designation authorizing the Borough and Borough Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, excluding the power of Eminent Domain; and

WHEREAS, the Borough Council now desires to authorize and direct the Land Use Board to prepare a redevelopment plan for the Study Area and to present same to the Borough Council pursuant to N.J.S.A. 40A:12A-7(f).

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Rockaway, Morris County, New Jersey as follows:

- Section 1. The foregoing recitals are incorporated herein as if set forth in full.
- Section 2. The recommendations and conclusions of the Land Use Board are hereby accepted, and adopted by reference herein, by the Borough Council.
- Section 3. Based on the findings and recommendations of the Land Use Board as to the Study Area, the Borough Council hereby designates the Study Area as a Non-Condensation Redevelopment Area pursuant to the provisions of Sections 5 and 6 of the Redevelopment Law. The identified properties e attached hereto as Exhibit "A".
- Section 4. The Borough Council authorizes and directs the Land Use Board to prepare a redevelopment plan for the Study Area and to present same to the Borough Council pursuant to N.J.S.A. 40A:12A-7(f).

Section 5. The Borough Clerk shall forward a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs, as the transmittal pursuant to Section 6b(5)(c) of the Redevelopment Law.

Section 6. The Borough Clerk shall serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Non-Condemnation Redevelopment Area, as reflected on the tax assessor's records, and (ii) each person who filed a written objection to the designation and stated, in or upon the written submission, an address to which notice of the determination may be sent, such service to be in the manner provided by Section 6 of the Redevelopment Law.

Section 7. This Resolution shall take effect immediately.

Moved:		Seconded:			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter					
Councilman Haynes					
Councilman Hurley					
Councilman McDonald					
Councilman Smith					
Council President Burnside					

DATE: December 20, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

**CERTIFICATION**

I, Kimberly Cuspilich, Borough Clerk of the Borough of Rockaway, in the County of Morris, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Mayor and Council at a meeting held on December 20, 2021

*Kimberly Cuspilich*  
 Kimberly Cuspilich  
 Borough Clerk

## **Area in Need of Rehabilitation**

### **RESOLUTION 36-22: DECLARING THE BOROUGH OF ROCKAWAY IN ITS ENTIRETY AS AN AREA IN NEED OF REHABILITATION**

**WHEREAS**, Resolution 25-22 adopted by the Borough of Rockaway on January 27, 2022 directed the Land Use Board to investigate and determine whether the Borough in its entirety (the “delineated area”) meets the criteria of the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-14) as an “Area In Need of Rehabilitation”; and

**WHEREAS**, the Borough’s planning consulting firm, Topology NJ, LLC (“Topology”), has investigated and researched the status of the existing conditions in the entirety of the Borough of Rockaway; and

**WHEREAS**, Topology’s findings, presented in a report dated January 18, 2022 (the “Borough of Rockaway Area in Need of Rehabilitation Report”) include the fact that the entirety of the Borough qualifies; and

**WHEREAS**, on February 1, 2022, the Land Use Board heard testimony from Topology regarding the January 18, 2022 Report and that the delineated area meets criterias (a)(2) of N.J.S.A. 40A:12A-14; and

**WHEREAS**, the Land Use Board recommends that the Borough of Rockaway adopt the following findings of fact, conclusions, and determinations:

*Based on the information and testimony received at the Land Use Board hearing held on February 1, 2022 as well as the Report itself and the advice from the Planning Consultant and the Land Use Board’s professionals, the Land Use Board finds that the entirety of the Borough of Rockaway as identified by the Planning Consultant in the Study (Delineated) Area satisfies two of the rehabilitation criteria provided under N.J.S.A. 40A:12A-14, and hereby recommends that the Borough Council designate the entirety of the Borough as a Non-Condensation Rehabilitation Area pursuant to the Redevelopment Law. The Land Use Board’s bases for it’s findings and recommendations is set forth in the Report and testimony placed in the record.*

**WHEREAS**, the January 18, 2022 Topology Report and the testimony of Greer Reinalda Patras, PP, AICP, MCRP shall form the principal basis for making the determination that the Dilineated Area is an “Area In Need of Rehabilitation”; and

**WHEREAS**, the Land Use Board has provided its recommendation that the conditions that warrant designating the Borough of Rockaway in its Dilineated Area as an “Area In Need of Rehabilitation” to the Borough of Rockaway for consideration of adoption.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey as follows:

1. The Borough of Rockaway in its Dilineated Area be and is hereby designated as an “Area In Need of Rehabilitation” pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-14).
2. The Borough Clerk is hereby directed to serve within ten (10) days a copy of this Resolution upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent.
3. This Resolution shall be forwarded for approval to the Commissioner of the Department of Community Affairs for the State of New Jersey before this Resolution shall become effective.
4. Upon approval of the Resolution by the Commission of the Department of Community Affairs for the State of New Jersey, the Land Use Board is hereby directed and authorized to prepare one or more redevelopment plans indicating that the Borough of Rockaway in its Dilineated Area has been declared an Area In Need of Rehabilitation pursuant to this resolution, and to make such other amendments as may be necessary and appropriate in furtherance of each redevelopment plan’s goals and objectives.

DATE: February 10, 2022

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

## APPENDIX C: RELATION TO OTHER PLANS

Pursuant to the LRHL, “all provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan” (N.J.S.A. 40A:12A-7(d)).

### Rockaway Borough 2018 Master Plan

The Borough’s Master Plan explicitly recommends conducting an Area in Need of Redevelopment Study and development of a Redevelopment Plan for the Borough Center. The Master Plan notes high retail vacancies and turnover, as well as instability of long-term commercial institutions in the downtown.. Redevelopment recommendations from the Master Plan are included below and are effectuated by this Plan.

- In conjunction with a Redevelopment Plan, develop streetscape design guidelines and a façade improvement program with the goal of reactivating the sidewalk and creating a more welcoming environment in Borough Center, which is included in this Plan.
- Redevelopment of the Post Office, which is included in this Plan.
- The Redevelopment Plan created a potential concept for redevelopment/rehabilitation of the Borough Center, several aspects of which are incorporated into this Plan:
  - Create a shared, municipal Parking Area in the existing Parking Area south of West Main Street/along Bank Street.
  - Improve the West Main Street / Wall Street intersection.
  - Provide public, downtown access to the Rockaway River.

### Adjacent Municipalities

#### Township of Denville

The Township of Denville last adopted a Periodic Re-Examination Report in 2013, following its 2000 Master Plan. The 2013 Re-examination is limited in scope to targeted zoning changes, but identifies on-going problems in the Township, such as:

- Coordinating where needed local planning efforts with those of neighboring municipalities to achieve a maximum degree of compatibility, particularly along common municipal boundaries.
- Preserving and improving to the greatest extent possible the established character and natural resources of the Township through careful land use planning at both the Master Plan and site-specific levels.
- To maintain and enhance the viability of the various commercial districts by:
  - Encouraging an appropriate mix of land uses which will complement each other and meet the retail and service needs of the Township and surrounding areas;
  - Promoting a desirable visual environment and preserving the small town characteristics of the central business district;
  - Develop design guidelines to promote the desired character of the various commercial district corridors;
  - Provide sufficient numbers of parking and loading spaces in the appropriate locations to serve the needs of the general public as well as the needs of business patrons and employees;
  - By discouraging an automobile-only oriented pattern of development within the central business district;
  - Promote a desirable pedestrian environment within the central business district corridor.

- Maintaining the Township's supply of housing types in a well maintained, safe and healthful condition for all residents including the supply of low and moderate income affordable housing resources for present and future citizens.
- To address the need for senior citizen housing by establishing zones which are designed to meet the particular needs of senior citizens.
- Protection and preservation of the local heritage and traditions by careful planning in and around historic buildings and other landmarks of the community.

In the 2000 Master Plan, the Township is concerned about its senior affordable housing stock and the vitality of its Central Business District. In addition, the Master Plan seeks to improve pedestrian infrastructure through creation of a sidewalk inventory and creating new sidewalks as part of new development.

The goals and objectives outlined in the 2000 Master Plan and 2013 Periodic Re-Examination Report are consistent with this Plan. Both Denville and Rockaway seek to promote a pedestrian-friendly environment in their downtowns, including sufficient but well-designed/located parking and loading facilities. Given the existing historic character of their downtowns, Furthermore, both encourage mixed-use, synergistic development that incorporates and respects the existing historic character of their downtowns.

#### Township of Rockaway

The Township of Rockaway adopted its latest Reexamination Report in 2019, reviewing its 2006 Land Use Plan Element. The Reexamination Report reviewed the goals of the Land Use Plan Element and provided an updated set of goals, most of which pertain to appropriate land use and utility development in relation to existing land uses and the Highlands Preservation Area. These goals are consistent with this Plan and include:

- To provide a variety of housing types, densities and a balanced housing supply, in appropriate locations, to serve the Township.
- To encourage and provide buffer zones to separate incompatible land uses.
- To discourage the creation of flag lots in the Township.
- To encourage new development, and redevelopment, to take into account the aesthetic character of the community, in an effort to enhance the visual and aesthetic appearance of the municipality.
- To preserve and enhance the Township's retail commercial areas by defining their functional role in the community.
- To promote a sidewalk master plan in selected areas of the community.
- To promote the conservation of energy and the use of renewable energy sources whenever possible as the Township develops.

In addition, the Reexamination provides specific land use recommendations, which include expansion of permitted uses in nonresidential uses to promote economic development and rehabilitation. Many of the uses mirror those permitted in this Plan, such as fitness uses, indoor recreation, and breweries and distilleries. The Township also seeks to provide a variety of housing types. This Plan provides for dense multifamily development in the downtown core to complement existing residential neighborhoods while also providing flexibility for residential development types in Subdistrict II. The two Subdistricts clearly define their intended roles and forms, with permitted uses, intensities, and designs formulated to be compatible with the surrounding context, as well as buffering and screening requirements to further mitigate any impacts. Furthermore, this Plan

provides extensive design standards that too seek to promote and enhance the existing character in the Area, such as architectural materials, façade transparency levels, façade articulation, and sidewalk and streetscape design standards.

### **Morris County Master Plan**

The Morris County Master Plan was adopted in 1975, making it largely disconnected from current planning priorities. However, the Master Plan does include goals to reduce sprawl and promote sustainability, such as reducing auto-dependency in transit and land use planning, providing housing diversity and affordable housing, and clustering growth around definable town centers, all of which are advanced by this Plan.

More recently, the County adopted the Morris County Master Plan Circulation Element in 2018. Goals and objectives include:

- Increasing traffic safety, accessibility, and efficiency;
- Planning coordination across all levels of government;
- Integrating land use and transportation planning;
- Encouraging context-sensitive roadway design; and
- Support economic development through diverse transportation investment.

In particular, the Circulation Element calls for realigning the freight Dover & Rockaway Railroad (which forms the eastern boundary of the Redevelopment Area) to enhance road safety and allow for creation of a Rockaway River Greenway, which has been proposed to follow the former Morris Canal. Creation of the Greenway and realignment of the railroad would provide significant benefit to the downtown, increasing regional access and expanding opportunities for downtown access to the Rockaway River.

In addition, the Circulation Element notes that a disproportionate amount of Borough residents are Black or African American. This Plan is created with equality and equity in mind, promoting development and a built environment in downtown Rockaway Borough that is safe for all road users and is accessible for all residents, employees, and visitors to enjoy.

### **New Jersey State Development + Redevelopment Plan**

The Redevelopment Area is located within Planning Area I (PA-I). As documented in the State Development + Redevelopment Plan, the following intent has been documented for PA-I:

- Provide for much of the State's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

This Redevelopment Plan will upgrade the use of land within the existing Borough Center and create a compact, walkable, and revitalized downtown that honors and elevates the downtown's historic character. Providing diverse housing options through downtown redevelopment will allow residents to live in Rockaway throughout their lives while preserving existing residential neighborhoods,

### **NJ Smart Growth Principles**

New Jersey Department of State has developed a definition and has identified areas within the state as Smart growth Areas. This encourages a compact form of development and redevelopment in recognized

Centers as stipulated in the State Development and Redevelopment Plan, including existing infrastructure that serves the economy, the community, and the environment. This Plan is a Smart Growth project and conforms to New Jersey's Smart Growth Principles, including:

- It provides for a synergistic mix of land uses in a compact, clustered, community design and includes a range of housing choice and transportation opportunities.
- The planned public amenities and urban design contribute to a walkable neighborhood that upgrades current uses for residents, commuters, and visitors, alike.
- The Redevelopment Area programming and design recommendations will provide residents more options to locally satisfy their needs and improve pedestrian, bicycle, and public transportation facilities.
- This Redevelopment Plan provides a framework for equitable, predictable, and efficient development decision making.
- The Redevelopment Plan expands upon a collaborative and transparent redevelopment process.

### **NJ State Strategic Plan**

The New Jersey State Planning Commission released its final draft of the State Strategic Plan on November 14, 2011. Compared to the State Development & Redevelopment Plan, the State Strategic Plan emphasizes a more “proactive, aggressive, and strategic approach to planning for the State’s future. An approach that aligns clear goals with sound decision making and coordination among government entities will better position New Jersey for growth opportunities and allow New Jersey to once again complete for and capitalize on growth opportunities.”

Central to the State Strategic Plan is its contemplation of development in Smart Growth locations and regional centers.

This Plan furthers several objectives, goals, and findings of the State Strategic Plan as it effectuates the following “Garden State Values:”

- Concentrate Development and Mix Uses;
- Prioritize Redevelopment, Infill, and Existing Infrastructure;
- Increase Job and Business Opportunities in Priority Growth Investment Areas;
- Create High-Quality, Livable Places;
- Provide Transportation Choice + Efficient Mobility of Goods;
- Diversify Housing Opportunities; and
- Make Decisions with Regional Framework.

## APPENDIX D: EXISTING ZONING

Prior to the adoption of this Redevelopment Plan, the properties within the Redevelopment Area fell in the following zoning districts:

### **R-1 Residential District**

The purpose of the R-1 Residential District is to provide for one-family dwelling units on lots with a minimum size of 15,000 square feet, which is the second-largest requirement in the Borough. Typical small-scale accessory uses and structures are permitted on residential lots. Other community uses are permitted with conditions, such as schools, places of worship, public libraries, and public utilities. The principal permitted uses are listed below, where further information on principal, accessory, and conditional uses, as well as additional requirements for bulk, design, and performance standards can be found in Article V of the Borough's Zoning Code, Chapter 172.

- Permitted principal uses:
  1. One-family dwellings.
  2. Home occupations for professional offices subject to use, size, and residency requirements.
  3. Public parks and playgrounds.
  4. Family day-care homes.
  5. Community residences.

### **R-3 Residential District**

The purpose of the R-3 Residential District is to provide for one-family dwelling units on lots with a minimum size of 6,250 square feet, which is the second-smallest requirement in the Borough. Typical small-scale accessory uses and structures are permitted on residential lots. Other community uses are permitted with conditions, such as schools, places of worship, public libraries, and public utilities. The principal permitted uses are listed below, where further information on principal, accessory, and conditional uses, as well as additional requirements for bulk, design, and performance standards can be found in Article V of the Borough's Zoning Code, Chapter 172.

- Permitted principal uses:
  1. One-family dwellings.
  2. Home occupations for professional offices subject to use, size, and residency requirements.
  3. Public parks and playgrounds.
  4. Family day-care homes.
  5. Community residences.

### **R-4 Residential District**

The purpose of the R-4 Residential District is to provide for one-, two-, and three- family dwellings units. Lot size requirements in the R-4 are the smallest of all the districts; where a minimum 5,000 square feet for one-family dwellings, and minimum 4,000 square feet per unit for two- and three-family dwellings are required. Garden apartments are a permitted use, and have specific bulk, parking, architecture, and site

design requirements. Townhouse developments are conditionally permitted, subject to compliance with conditions related to tract and lot size, bulk, buffering, and architectural site design requirements, and require Land Use Board (acting solely as a Planning Board) approval. Accessory use and community service provisions are the same as in the R-3 district. The principal permitted uses are listed below, where further information on principal, accessory, and conditional uses, as well as specific requirements for townhouses and garden homes, and general requirements for bulk, design, and performance standards, can be found in Article V of the Borough's Zoning Code, Chapter 172.

- Permitted principal uses:
  1. One-, two-, and three- family dwellings.
  2. garden apartments.
  3. Home occupations for professional offices subject to use, size, and residency requirements.
  4. Public parks and playgrounds.
  5. Family day-care homes.
  6. Community residences.

### **B-C Borough Center Commercial District**

The Zoning Ordinance at §172-57 provides a purpose for this zoning district, which states, "The B-C District and its regulations are intended to promote single use small-scale businesses and services in a downtown commercial district which serves the daily needs of the Borough and surrounding local areas. The district regulations intend to recognize and preserve the historic character of the Borough's central core, to discourage land uses which are not compatible with pedestrian traffic and to encourage the implementation of new municipal shopper parking areas and better utilization of existing lots." The principal permitted uses are listed below, where further information on principal, accessory, and prohibited uses, as well as additional requirements for bulk, design, and architectural standards can be found in Article VI of the Borough's Zoning Code, Chapter 172.

- Permitted principal uses:
  1. Individual retail shops, boutiques and specialty stores.
  2. Restaurants, cafes, taverns and other food and beverage establishments, excluding those with drive-up facilities.
  3. Banks and financial offices.
  4. Studios for instruction in the arts, dancing, music, languages, photography and similar activities.
  5. Professional, business and real estate offices.
  6. Personal service establishments limited to hair-cutting, tailoring, beauty parlors, nail salons, massage, bodywork or somatic therapy establishments, and retail dry-cleaning shops, not including bulk processing on or from the premises.
  7. Travel agencies.
  8. Studio, one-bedroom and two-bedroom apartments, but only on second and third floors above permitted commercial uses.

## **G-B General Business**

The Zoning Ordinance at Section §172-66 provides a purpose for this zoning district, which states, “The G-B General Business District is intended to provide for a broad range of commercial uses for local needs. Large highway-type commercial uses are prohibited due to the small size of the properties within the district boundaries and the scale and the intensity of these uses relative to their need for parking, access, and storage. Larger more intense commercial uses of this type are intended to be located within the H-C Highway Commercial District.” The principal permitted uses are listed below, where further information on principal, accessory, conditional, and prohibited uses, as well as additional requirements for bulk, design, and yard modifications can be found in Article VIII of the Borough’s Zoning Code, Chapter 172.

- Permitted principal uses:
  1. Business uses limited to the following:
    - Stores and shops for retail business.
    - Banks and financial institutions.
    - Offices for business, executive, professional and administrative purposes.
    - Restaurants, cafes, taverns and other food and beverage establishments excluding those establishments, commonly known as “fast-food” establishments.
    - Funeral homes.
    - Vocational schools and studios for instruction in the arts, dancing, music, languages, photography and similar activities.
    - Nursery schools and child-care centers per N.J.S.A. 40:55D-66.6.
    - Medical and dental clinics and laboratories.
  2. Clubs, lodges and fraternal, civic and charitable organizations.
  3. Municipal government buildings and uses including planned open space and conservation areas.

## **O-B Office Business District**

The purpose of Office Business District is to provide for administrative, professional, and medical offices. The zone also conditionally permits uses permitted in the R-2, so long as the requirements of the R-2 zone are met. Uses accessory to office uses are permitted, including signage, parking facilities, and outdoor storage. The principal permitted uses are listed below, where further information on principal, accessory, and conditional uses, as well as additional requirements for bulk and design can be found in Article VII of the Borough’s Zoning Code, Chapter 172.

- Permitted principal uses:
  1. Offices for executive or administrative purposes as well as offices for professional physicians, dentists, architects, engineers, attorneys, accountants, planners and like professional uses.
  2. Single-family structures and any use as regulated in the R-2 Zone if all required conditions of the R-2 Zone are met.

## **APPENDIX E: DEFINITIONS**

The following definitions supersede those found in §169-4 of the Borough Municipal Code. For anything not defined within this Redevelopment Plan, the definitions found in §169-4 of the Municipal Code of the Borough be applicable.

### **ADULT BOOKSTORE**

An establishment having any portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

### **AMENITY SPACE**

Indoor or outdoor space that is for private or shared use by residents and their guests. Such spaces include but are not limited to recreation areas; patios, terraces, balconies, rooftop decks, and other similar outdoor improved spaces; lounges and other gathering spaces; exercise facilities; co-working spaces; lobbies and atria; rear yards and lawns; and preserved wooded and natural lands.

### **APARTMENT**

A residential building designed for occupancy by five or more families living independently of each other in units attached via one or more common roofs, walls or floors.

### **ART GALLERY OR STUDIO**

Any establishment primarily displaying, selling, or creating artwork, including paintings, photography, sculpture, pottery and similar items.

### **ARTISANAL WORKSHOP**

Shops of special trade including the individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, baked or prepared food and drink, and similar items by one or more artisans. Retail sales on the premises of products made on the premises are required. Artisanal Workshops shall not exhibit any exterior noise, smell, glare or dust from their operations.

### **AWNING**

A roof-like covering extending over a walkway, sidewalk or exterior place, supported by a frame attached to the building and/or ground with a surface made of fabric or a more rigid material that is either retractable or fixed in place.

### **BALCONY**

An exterior floor projecting from the wall of an upper Story, enclosed by a railing or balustrade, with an entrance from the building and supported by the structure without additional independent supports.

### **BANKS AND FIDUCIARY INSTITUTIONS**

Any institution wherein business of a primarily monetary nature is transacted, such as banks, savings and loans associations, and mortgage companies.

### **BARS AND TAVERNS**

An establishment whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Incidental uses may include food service and take-out sales of alcohol.

**BAY WINDOW**

A window built to project outward from an outside wall.

**BLANK WALL**

A façade lacking any fenestration.

**BOND**

Financing or other obligations issued by the Borough to finance or refinance redevelopment projects, and in connection therewith, to finance or refinance any other cost or expense of a municipality pursuant to the “Redevelopment Area Bond Financing Law,” N.J.S.A. 40A:12A-64 et seq.), the LRHL, or other applicable laws.

**BREW PUB**

An establishment, with license from the State under N.J.S.A. 33:1-10, where alcoholic beverages are brewed and manufactured, served and consumed on the premises, and which is operated in conjunction with a restaurant use. Such uses shall be used principally for the purpose of providing meals to its customers with adequate kitchen and dining room facilities immediately adjoining licensed Brewery facilities.

**BREWERY**

An establishment licensed, under N.J.S.A. 33:1-10, to manufacture alcoholic beverages and to sell and distribute the products to licensed wholesalers and retailers. Such uses may manufacture, sell and serve alcoholic beverages to consumers on a licensed premise for consumption on site, but only in connection with a tour of the brewery, or for consumption off the premises. Breweries may include warehousing and off-site distribution of alcoholic beverages consistent with state law and applicable licensing from the Borough.

**BUILDING FACADE**

The exterior wall of a building that is set along a frontage line.

**BUSINESS SERVICES**

Establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; personnel and employment services; management and consulting services; protective services; equipment rental and leasing; photo finishing; copying and printing; travel; office supply; and similar services.

**CANOPY**

An overhead roof structure with open sides.

**CAR SHARE**

Any establishment that makes motorized vehicles available for use by members of a service on a limited time basis, usually for durations of less than a day.

**CONVENIENCE STORE**

A retail store that sells general merchandise and limited grocery items. The sale of prepared foods, not made-to-order, for off-site consumption may be included in this definition so long as the sale of prepared foods is subordinate to the sale of general merchandise and grocery items.

## **CORNICE**

The topmost element of a building facade composed of moldings for an entablature in formal architecture orders or used alone at the roofline or ceilings.

## **CULTURAL USES**

Services offered to the public by public, private or nonprofit facilities, such as, but not limited to, museums, Theaters, art galleries, and visual and performing arts.

## **DENSITY**

The permitted number of Dwelling Units per gross area of land to be developed.

## **EXPERIENTIAL RETAIL**

Type of retail use where customers come into a physical retail space and are offered additional experiences as part of the traditional retail process, including but not limited to testing/interacting with products, involvement in designing/creating the purchased product, and activities that promote spending time in the retail space. Experiential Retail amenities may include interactive art, live music, virtual reality, cafés and lounges, and video display walls.

## **FARMERS' MARKET**

A permanent enclosed building operated year-round, or seasonally, where the majority of products consists of perishable foods and prepared foodstuffs grown on local or regional farms or a temporary or occasional outdoor retail sale of farm produce from temporary stands. Farmers' Market may also include artwork, crafts or durable goods made by local or regional artisans in conjunction with the farm products mentioned above.

## **FITNESS, GYM, WELLNESS**

An enclosed building or structure with facilities for conducting recreational activities such as aerobic exercises, running and jogging, and which may contain exercise equipment, sports courts and swimming facilities. This use also includes establishments for group fitness instruction such as yoga, Pilates, karate and dance studios, as well as boxing gyms. This use may include accessory saunas, showers, massage rooms and lockers, snack bars providing nonalcoholic drinks and prepackaged snacks not prepared on the premises, and sale of sports equipment and clothing.

## **GAMING**

The principal use of any building, structure or part thereof for coin-operated or automatic amusement machines, such as pinball machines, electronic games of skill or chance or similar games or machines, or any automatic amusement game or for a pool or billiard, shuffleboard, bumper pool or similar establishment. No cash prizes shall be permitted.

## **GROCERY**

A retail or wholesale store that sells primarily food, including canned and frozen foods, fresh fruits and vegetables, and fresh (raw) and prepared meats, fish and poultry.

## **GROSS FLOOR AREA**

The total floor area inside the building envelope, including the external walls, and excluding the roof.

## **HOTEL**

A building which contains living or sleeping rooms designed to be occupied by individuals or groups for compensation and primarily serving transient customers. Building must be open to the general public and which must include lobbies and concierge services. It may include a restaurant, meeting rooms, or banquet halls. Lodging may not be for more than 28 consecutive days and must be computed by the day.

## **INSTITUTIONAL USE**

A nonprofit, public, private, or quasi-public use such as a religious institution; public or private school; library; club or lodge; fraternal, civic, service, or charitable organization; or government-owned or government-operated structure or land used for public purpose, including office use related to such public purpose.

## **KITCHENS, CATERING**

A kitchen utilized for food preparation, baking, or cooking for a specific event at a location other than the food establishment on a contractual, prearranged basis to a specific subset of the public, such as invited guests to a wedding or similar celebration, or to participants in an organized group or activity. A Catering Kitchen is not the same activity as a contract cook.

## **KITCHENS, INSTRUCTION / TEST**

A kitchen utilized for instruction of food preparation, baking, cooking and other culinary techniques.

## **MEDIA PRODUCTION**

Facilities for the production of motion picture, television, video, sound, computer, and other communications media.

## **MULTIFAMILY RESIDENTIAL**

A building containing three (3) or more Dwelling Units that share common horizontal separations. Excluded from this definition are Townhouses.

## **OFFICE, GENERAL**

A room, suite of rooms, or building in which is used for conducting the affairs of a business, profession, service, industry or government, and generally furnished with desks, tables, files and communication equipment, including offices of general, business, executive, legal, accounting, architect, planning, engineer, real estate, contractor and employment agencies, but excluding medical offices. Prototyping, product testing and laboratory work shall not be considered an office use.

## **OFFICE, MEDICAL**

A building or portion thereof providing diagnostic, therapeutic, or preventive medical, osteopathic, chiropractic, dental, psychological and similar or related treatment by a practitioner or group of practitioners licensed to perform such services to ambulatory patients on an outpatient basis only, and without facilities for inpatient care, major surgical procedures, or emergency and urgent care. A medical office may also contain associated in-house ancillary services such as in-house diagnostic testing facilities, physical therapy, medical counseling services, and similar services.

## **OUTDOOR DINING**

An open-air seating area on a public sidewalk provided by a restaurant located on the adjoining property, where restaurant patrons can eat or drink.

### **PARKING, PRIVATE**

Parking provided for the sole and private use of tenants or on-site users and controlled by the property owner or manager.

### **PARKING, PUBLIC**

Parking provided for public use of tenants, commercial users, or visitors of the site.

### **PET GROOMING**

Establishments that provide bathing and trimming services for animals on a commercial basis, which may also include the boarding of domestic animals for no more than forty-eight hours.

### **PHARMACY**

An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

### **PLAZA, SQUARE OR PIAZZA**

Public spaces located within the Borough's downtown, which may contain one or more civic building(s) or space located within a primarily unpaved, formally configured area which may contain a small public lawn or park. Portions may be linear in shape though a square, rectangle, circle or other usable shape, as appropriate, shall be the primary focus of the area. Spaces shall be surrounded by canopy street trees. These sites shall be situated at prominent locations and are often dedicated to important events and/or citizens. Spaces may contain water features, an amphitheater, Farmers' Market, and in some appropriate instances, such as in conjunction with residential neighborhoods, may include limited play equipment and courts.

### **PROFESSIONAL OCCUPATION**

The office of a physician, surgeon, dentist, minister, architect, engineer, attorney, optometrist, accountant, veterinarian, or similar professional person when located within his/her dwelling or in an accessory building on the same lot provided that the use is limited in extent and incidental and secondary to the use of the Dwelling Unit for residential purposes and does not change the character thereof.

### **PROGRAMMABLE SPACE**

Space – within a public right-of-way, on public property, or that is otherwise publicly accessible – that is designed to be flexible and support a variety of uses such as events, markets, gathering areas and seating, or other similar uses.

### **REDEVELOPMENT AGREEMENT**

An agreement entered into between a designated redeveloper and the Borough in accordance with the LRHL, which sets forth the terms and conditions for the redevelopment of all or a portion of the Redevelopment Area.

### **RESTAURANT, CAFÉ OR CARRY OUT**

A commercial fast-food establishment serving primarily prepared or rapidly prepared food and beverages by order over the counter in disposable containers, bags or packages for consumption either on or off the premises.

## **RESTAURANT, FULL SERVICE**

An establishment where food and drink are prepared, served, and primarily consumed within the principal building or structure, and maintains cooking facilities and serves its customers at tables employing waiters or waitresses, as opposed to a fast-food establishment or cafeteria.

Full service restaurants that provide alcohol or liquor on the premises must meet the following: (a) the sale of alcoholic beverages is incidental to the sale of food and not the primary source of revenue for the premises; and (b) no “cover” or other minimum fee is charged to enter the premises at any time, provided, however that this provision shall not be construed to apply to fixed price meals, or complimentary glasses of champagne on holiday occasions such as Thanksgiving or New Year’s Eve, or during special events approved by the Borough.

## **RETAIL SERVICE**

An establishment which provides services or entertainment, as opposed to goods, products or merchandise, directly to the general public for personal or household use, as opposed to business services. Such services shall not include those otherwise specifically regulated by or prohibited by this Redevelopment Plan, and otherwise unlawful services

## **RETAIL STORE**

Establishments where goods, products, or merchandise are rented or sold to consumers, as opposed to wholesaling, but excluding all forms of retailing otherwise specifically regulated by or prohibited by this Redevelopment Plan, and otherwise unlawful sale or rental.

## **ROOFTOP DECK**

An open common space available to tenants and their guests located on the roof of the building.

## **SHARED PARKING**

Joint utilization of a Parking Area for more than one use, either on site or between nearby properties through a dedicated arrangement, in order to fulfill their individual parking requirements because their prime operational hours do not overlap.

## **STORY**

Story shall mean a floor or level of a building containing one (1) or more rooms, including all floors or levels of a building used for the principal use of the building or for any accessory use, but excluding any basement devoted solely to the housing of utilities, heating, ventilating, air conditioning and storage (other than storage of inventory held for sale), excluding rooftop decks, and excluding below-grade parking.

## **STORY, HALF**

That portion of any building or structure located under a pitched roof at the top of a building having a Story height of seven feet, six inches or greater and having a floor area that is less than or equal to one half of the Gross Floor Area of the floor below. For the top most Story, Story height shall be measured from the top of the finished floor to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

## **THEATER**

A structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received. Adult motion-picture theaters or establishments featuring burlesque are prohibited.

**TRANSPARENCY**

Transparency. The degree, measured as a percentage of the overall façade space, to which a façade has clear, transparent windows on each story.

**TOWNHOUSE**

A series of adjoining one-family Dwelling Units each of which is separated from other such Dwelling Units by use of common party walls, extending from the foundation to the roof and from the front to the rear exterior walls, with each dwelling unit having livable floor area on, but not limited to, the first floor. Each Townhouse shall have direct access to the outdoors and shall have an unobstructed front and rear wall to be used for access, light and ventilation.

**TOWNHOUSE UNIT**

A dwelling unit part of a townhouse development.

**UTILITY**

All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.